

Appendix J. Summary of Preliminary Draft Missing Middle, Other Planning Code Amendments, and Zoning Map Amendments to Facilitate More Housing Proposal

As part of its Housing Action Plan, the City has identified several zoning reforms that would further increase housing production capacity and unlock additional opportunities for affordable and “missing middle” housing in high resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods, and reducing the exposure to air pollution, toxic and other environmental hazards in environmental justice communities. Below is a summary of the proposed rezonings from the Housing Action Plan that will go to City Council for adoption in June/July of 2023. The proposed changes are also available as an interactive [map](#).

PURPOSE

The proposed missing-middle and other related Planning Code amendments will encourage a diversity of housing types such as flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and accessory dwelling units (ADUs) in currently single-family-dominated neighborhoods, and along corridors, transit-proximate areas, and high resource neighborhoods and remove constraints on the development of housing. The City is also proposing two overlay zones:

1. Affordable Housing Overlay (AHO) Zone: The proposed Affordable Housing Overlay (AHO) Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households (as defined in California Government Health and Safety Code Sections 50093, 50105, and 50106 50052.5 and in Oakland Planning Code Section 17.107.020). By-right approvals for 100% affordable housing projects will apply in the AHO Zone.
2. Housing Sites Overlay Zone: The City is proposing through Action 3.4.10 to permit sites identified in the 4th and 5th RHNA cycles as part of the Housing Element’s Housing Sites Inventory (identified in Table C-26 in Appendix C) that build 20 percent or more of the units as affordable to lower-income households to be subject to by-right approval. In addition, the City will also look at ways to incentivize developers to build affordable housing on newly included sites identified through the 6th RHNA cycle in the Housing Sites Overlay. This could include by-right approval and/or other incentives to be further evaluated. All parcels within the Housing Sites Overlay Zone (whether they were in the 4th or 5th cycles or new in the 6th RHNA cycle), if redeveloped, will be required to be developed as a majority-residential use. A 100% non-residential use will not be allowed in this overlay.

The proposed missing-middle Planning Code amendments will:

- Reduce minimum lot size and setback standards where appropriate throughout the Planning Code to facilitate small lot development.

- Minimum lot size is reduced to 2,000 square feet (sf.) in RD and RM Residential Zones.
- Residential side setbacks are reduced to 3 ft. for lots less than 3,000 sf. and 4 ft. for lots 3,000 sf. or greater in RD and RM Zones.
- Residential rear setbacks are reduced from 20 ft to 10 ft. in RD Zones and reduced from 15 ft. to 10 ft. in RM Zones.
- Residential front setbacks in the RD and RM-1 and RM-2 Zones are reduced from 20 ft. to 15 ft (there is an existing provision that allows for further reduction if structures on either side of the parcel are closer than the setback requirement). In addition, an exception will be provided if the development of four units on a 4,000 square foot lot or larger or two units on any lots less than 4,000 square feet is physically precluded by meeting the front setback requirement.
- Allow for encroachments of regular units into the rear setback, similar to encroachments allowed for Accessory Dwelling Units (ADUs).
- Revise density, maximum building heights, and minimum lot size standards to permit more housing units per lot where appropriate throughout the city in Hillside Residential RH-4, all Detached Residential (RD) Zones, all Residential Mixed Housing Type (RM) Zones, and Urban Residential RU-1 and RU-2 Zones.
 - Create new RD Zone to replace RD-1 and RD-2 so that both zones now have the same standards.
 - All RD, RM and RU Residential Zones will allow 4 or more units on lots that are 4,000 sf or more and 2 units on any lot smaller than 4,000 sf.
 - Maximum floor area ratio (FAR) and lot coverage has been increased to 55% lot coverage in RD and RM Zones, and they only apply to one and two residential units (FAR only applies to lots with a slope greater than 20%).
 - Minimum lot frontage for RD and RM Zones is reduced from 25 ft. to 20 ft.
 - Height limits increased for RD from 25 ft. wall height and 30 ft. roof height to 30 ft. wall height and 35 ft. roof height.
 - Height limits increased for RM-1, RM-2, and RM-3 from 25 ft. wall height and 30 ft. roof height to 35 ft. height for both wall and roof.
 - Open space requirements reduced in RD, RM, and RU Zones.
 - No minimum parking requirements for residential facility types within ½ mile of a major transit stop and if located farther than ½ mile from a major transit stop a minimum of 0.5 parking spaces per unit is required (reduced from 1 parking space per unit).
- Create a new residential facility type called “Two- to Four-Family Residential Facility” that would replace the current “Two-Family Residential Facility” Type throughout the Planning Code; and change the definition of a “Multifamily Residential Facility” from the current 3 or more units to 5 or more units.

- Eliminate all conditionally permitted densities throughout Planning Code (densities will all be by right); and the current requirement for a Major Conditional Use Permit for 3 or more dwelling units in the RM-2 Zone; 7 or more dwelling units in the RM-3 or RM-4 Zone; and for any project that exceeds the basic or permitted density resulting in 7 or more dwelling units in the RU or CBD-R Zones.

OTHER PLANNING CODE AMENDMENTS

Other Planning Code amendments to facilitate more housing:

- Increase permitted densities in areas near transit and along transit corridors through zoning map changes (see Figure 2 and Table 2 below for densities).
- Increase permitted densities in residential neighborhoods near major corridors as shown in Figure 1. In addition, during the rezoning process the City will consider upzoning all of the area shown around Rockridge to RM-4.
- Reduce parking requirements to lower the cost of new housing production and allow for more housing to be built.
 - No minimum parking requirements for residential facility types within ½ mile of a major transit stop and if located farther than ½ mile from a major transit stop a minimum of 0.5 parking spaces per unit is required (reduced from 1 parking space per unit).
 - No minimum parking requirements within the S-15 Transit Zone, and D-CO-1 Zone in addition to the existing no minimum parking requirements in the CBD, D-LM, and S-2 Zones.
 - Reduced maximum parking requirements in the CBD, S-15 Transit Zone, D-CO-1, D-LM, and S-2 Zones.
 - No minimum parking requirements for 100% affordable housing developments.
- No parking required for Rooming Houses/SROs throughout the city with the exception of the Very High Fire Hazard Severity Zone (VHFHSZ). Reduce and revise open space regulations to allow flexibility on its onsite location and configuration to ensure that more of the allowed buildable area can be dedicated to new housing units.
- Remove an existing disincentive to mixed-use development outside of downtown – current regulations require that any nonresidential floor area over 3,000 sf. counts against the amount of lot area that can be used to calculate allowed residential density. The proposed amendments would utilize citywide the standard that applies now in downtown only and allow the total lot area to be used as the basis for computing both maximum nonresidential FAR and maximum residential density for mixed use projects.
- Remove conditional use permit requirements for grocery stores in food deserts.
- Remove conditional use permit requirements in RM Zone food deserts for food sales, cafes, restaurants, and retail activities in spaces that are 600 square feet or less,

- Streamline design review procedures and approve more project types ministerially.
- Remove unnecessary barriers in the Planning Code to the approval of Emergency Shelters and Residential Care activities.
- Reduce the allowed intensity of commercial and industrial activities permitted in the Housing and Business Mix (HBX) Commercial Zones, particularly HBX-1, to minimize impacts on the residential uses existing in and nearby these zones.
- Reduce allowed heavier industrial uses within certain distances of residential zones in the Commercial Industrial Mix (CIX), General Industrial (IG), and Industrial Office (IO) Zones to minimize impacts on the residential uses nearby.

Table 1 lists the existing and proposed zoning changes for missing middle zones, and Figure 1 shows existing zoning and proposed zoning changes. Table 2 lists the existing and proposed zoning changes for Commercial Zones associated with the key corridors in Figure 2. Figure 2 shows existing and proposed height changes along key corridors. Figure 3 shows existing and proposed height changes as part of the [Downtown Oakland Specific Plan](#).

Table 1: Oakland's Missing Middle Zones

Zoning Districts	Existing Permitted Densities	Proposed Permitted Densities	Existing Max. Bldg. Height	Proposed Max. Bldg. Height	Existing Min. Lot Size and Frontage	Proposed Min. Lot Size and Frontage	Existing Setbacks	Proposed Setbacks
RH-4	1 unit per lot	<ul style="list-style-type: none"> 1 unit on any legal lot; 2 units on any lot (with limitation that the project is not located within the Very High Fire Hazard Severity Zone) 	For Lots with Footprint Slope of ≤20%: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u>	(Same - No Change)	6,500 sf. or 8,000 sf.	(Same - No Change)	For Lots with Footprint Slope of ≤20%: Front - <u>20 ft.</u> St. Side - <u>5 ft.</u> Int. Side - <u>5 ft.</u> Rear - <u>20 ft.</u>	(Same - No Change)
RD <i>(new zone to replace RD-1 & RD-2)</i>	RD-1: 1 unit per lot	New RD: <ul style="list-style-type: none"> 1-2 units on any legal lot; 3 units on lots 3,000 sf. or greater; 4 units on lots 4,000 sf. or greater 	RD-1: For Lots with Footprint Slope of ≤20%: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u>	New RD: For Lots with Footprint Slope of ≤20%: Max. Wall Height: <u>30 ft.</u> Max. Roof Height: <u>35 ft.</u>	RD-1: Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	New RD: Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	<p>RD-1: For Lots ≥4,000 sf, w/ Footprint slope of ≤20%: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u> Rear: <u>20 ft.</u></p> <p>For Lots <4,000 sf, w/ Footprint slope of ≤20%: Front: <u>20 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>20 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>New RD: For Lots ≥3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots <3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

Zoning Districts	Existing Permitted Densities	Proposed Permitted Densities	Existing Max. Bldg. Height	Proposed Max. Bldg. Height	Existing Min. Lot Size and Frontage	Proposed Min. Lot Size and Frontage	Existing Setbacks	Proposed Setbacks
	<p>RD-2: PERMITTED-</p> <ul style="list-style-type: none"> • 1 unit per lot <p>ALLOWED WITH CUP-</p> <ul style="list-style-type: none"> • 2 units on lots 6,000 sf. or greater 		<p>RD-2: For Lots with Footprint Slope of $\leq 20\%$: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u></p>		<p>RD-2: Min. Lot Size: <u>5,000 sf.</u></p> <p>Min. Lot Frontage: <u>25 ft.</u></p>		<p>RD-2: For Lots $\geq 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots $< 4,000$ and $< 3,000$ sf., same as RD-1</p>	
RM-1	<p>PERMITTED-</p> <ul style="list-style-type: none"> • 1 unit per lot <p>ALLOWED WITH CUP-</p> <ul style="list-style-type: none"> • 2 units on lots 4,000 sf. or greater 	<ul style="list-style-type: none"> • 1-2 units on any legal lot; • 3 units on minimum 3,000 sf. lots; • 4 units on minimum 4,000 sf. lots; • For 5 or more units – 1 unit per 1,750 sf. of lot area 	<p>For Lots with Footprint Slope of $\leq 20\%$: Max. Wall Ht.: <u>25 ft.</u> Max. Roof Ht.: <u>30 ft.</u></p>	<p>For Lots with Footprint Slope of $\leq 20\%$: Max. Ht.: <u>35 ft.</u></p>	<p>Min. Lot Size: <u>5,000 sf.</u></p> <p>Min. Lot Frontage: <u>25 ft.</u></p>	<p>Min. Lot Size: <u>2,000 sf.</u></p> <p>Min. Lot Frontage: <u>20 ft.</u></p>	<p>For Lots $\geq 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>20 ft.</u> St. Side: <u>5 ft.</u> Int. Side: <u>5 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots $< 4,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>For Lots $\geq 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots $< 3,000$ sf., w/ Footprint slope of $\leq 20\%$: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

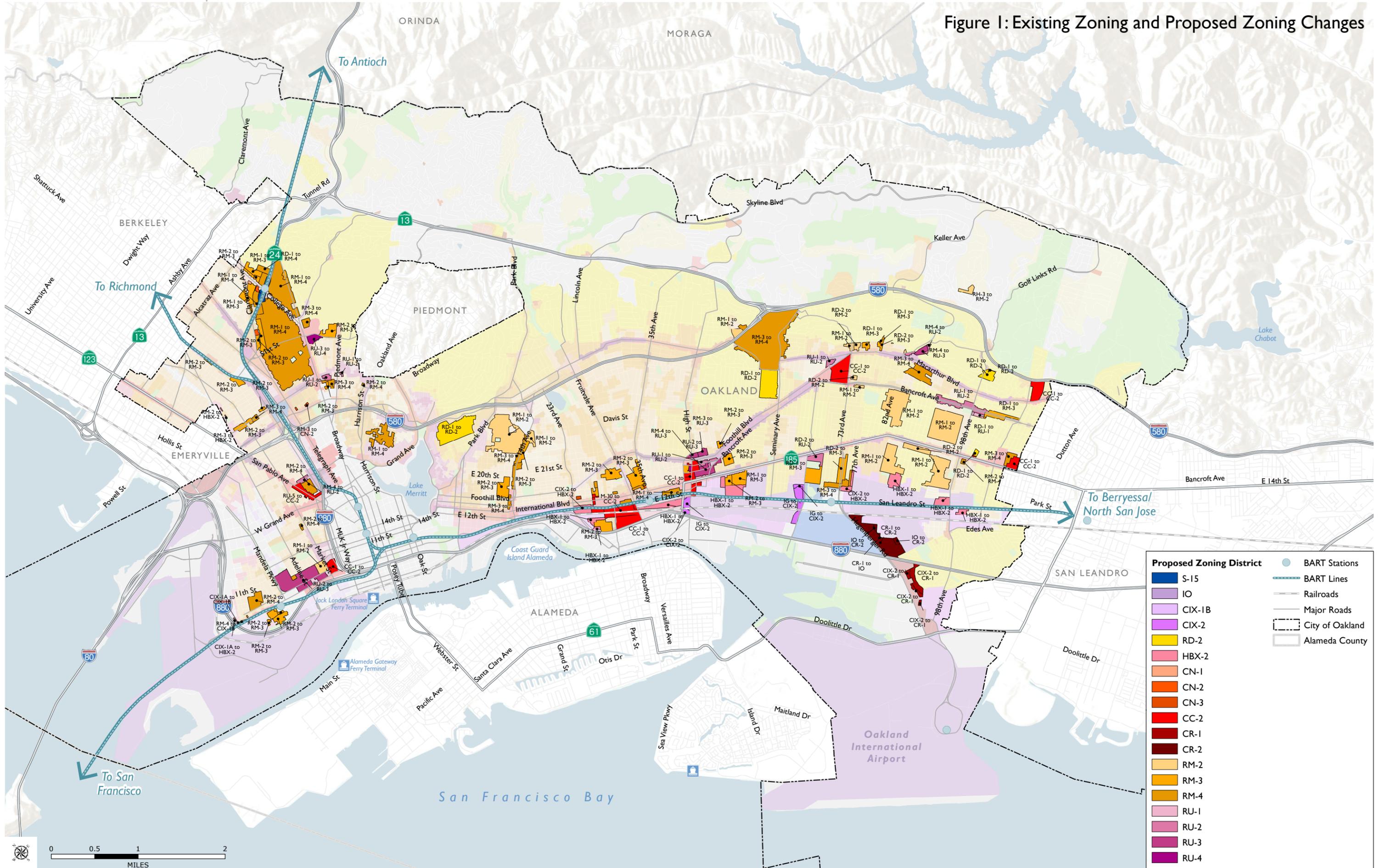
Zoning Districts	Existing Permitted Densities	Proposed Permitted Densities	Existing Max. Bldg. Height	Proposed Max. Bldg. Height	Existing Min. Lot Size and Frontage	Proposed Min. Lot Size and Frontage	Existing Setbacks	Proposed Setbacks
RM-2	<p>PERMITTED-</p> <ul style="list-style-type: none"> • 1 unit on lots less than 4,000 sf. • 2 units on lots 4,000 sf. or greater <p>ALLOWED WITH CUP- (only on lots 4,000 sf. or greater):</p> <ul style="list-style-type: none"> • For 3 or more units – 1 unit per 2,500 sf. of lot area 	<ul style="list-style-type: none"> • 1-2 units on any legal lot; • 3 units on minimum 3,000 sf. lots; • 4 units on minimum 4,000 sf. lots; • For 5 or more units – 1 unit per 1,500 sf. of lot area 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	For Lots with Footprint Slope of ≤20%: Max. Ht.: <u>35 ft.</u>	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	<p>For Lots ≥4,000 sf, w/ Footprint slope of ≤20%: Front: <u>20 ft.</u> St. Side: <u>4/5 ft.</u> Int. Side: <u>4/5 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <4,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>For Lots ≥3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots <3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

Zoning Districts	Existing Permitted Densities	Proposed Permitted Densities	Existing Max. Bldg. Height	Proposed Max. Bldg. Height	Existing Min. Lot Size and Frontage	Proposed Min. Lot Size and Frontage	Existing Setbacks	Proposed Setbacks
RM-3	<p>PERMITTED-</p> <ul style="list-style-type: none"> • 1 unit on lots less than 4,000 sf.; • 2 units on lots 4,000 sf. or greater <p>ALLOWED WITH CUP- (only on lots 4,000 sf. or greater):</p> <ul style="list-style-type: none"> • For 3 or more units – 1 unit per 1,500 sf. of lot area 	<ul style="list-style-type: none"> • 1-2 units on any legal lot; • 3 units on minimum 3,000 sf. lots; • 4 units on minimum 4,000 sf. lots; • For 5 or more units – 1 unit per 1,250 sf. of lot area 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: <u>30 ft.</u> Max. Roof Ht.: <u>30 ft.</u>	For Lots with Footprint Slope of ≤20%: Max. Ht.: <u>35 ft.</u>	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	<p>For Lots ≥3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>For Lots ≥3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots <3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>

Zoning Districts	Existing Permitted Densities	Proposed Permitted Densities	Existing Max. Bldg. Height	Proposed Max. Bldg. Height	Existing Min. Lot Size and Frontage	Proposed Min. Lot Size and Frontage	Existing Setbacks	Proposed Setbacks
RM-4	<p>PERMITTED-</p> <ul style="list-style-type: none"> • 1 unit on lots less than 4,000 sf.; • 2 to 4 units on lots 4,000 sf. or greater at 1 unit per 1,100 sf. of lot area <p>ALLOWED WITH CUP- (only on lots 4,000 sf. or greater):</p> <ul style="list-style-type: none"> • For 5 or more units – 1 unit per 1,100 sf. of lot area 	<ul style="list-style-type: none"> • 1-2 units on any legal lot; • 3 units on minimum 3,000 sf. lots; • 4 units on minimum 4,000 sf. lots; • For 5 or more units – 1 unit per 1,000 sf. of lot area 	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: <u>35 ft.</u> Max. Roof Ht.: <u>35 ft.</u>	(Same - No Change)	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,000 sf.</u> Min. Lot Frontage: <u>20 ft.</u>	<p>For Lots ≥3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u></p>	<p>For Lots ≥3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots <3,000 sf., w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u></p>
RU-1	1 unit per 1,100 sf. of lot area	1 unit per 1,000 sf. of lot area	40 feet	45 feet	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,500 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	<p>For Lots ≥3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%:</p>	<p>For Lots ≥3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u></p> <p>For Lots <3,000 sf, w/ Footprint slope of ≤20%: Front: <u>15 ft.</u> St. Side: <u>3 ft.</u></p>

Zoning Districts	Existing Permitted Densities	Proposed Permitted Densities	Existing Max. Bldg. Height	Proposed Max. Bldg. Height	Existing Min. Lot Size and Frontage	Proposed Min. Lot Size and Frontage	Existing Setbacks	Proposed Setbacks
							Front: <u>15 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>	Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u>
RU-2	1 unit per 800 sf. of lot area	1 unit per 750 sf. of lot area	50 feet	55 feet	Min. Lot Size: <u>5,000 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	Min. Lot Size: <u>2,500 sf.</u> Min. Lot Frontage: <u>25 ft.</u>	For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>10 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>15 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>10 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>15 ft.</u>	For Lots $\geq 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>10 ft.</u> St. Side: <u>4 ft.</u> Int. Side: <u>4 ft.</u> Rear: <u>10 ft.</u> For Lots $< 3,000$ sf, w/ Footprint slope of $\leq 20\%$: Front: <u>10 ft.</u> St. Side: <u>3 ft.</u> Int. Side: <u>3 ft.</u> Rear: <u>10 ft.</u>

Figure I: Existing Zoning and Proposed Zoning Changes

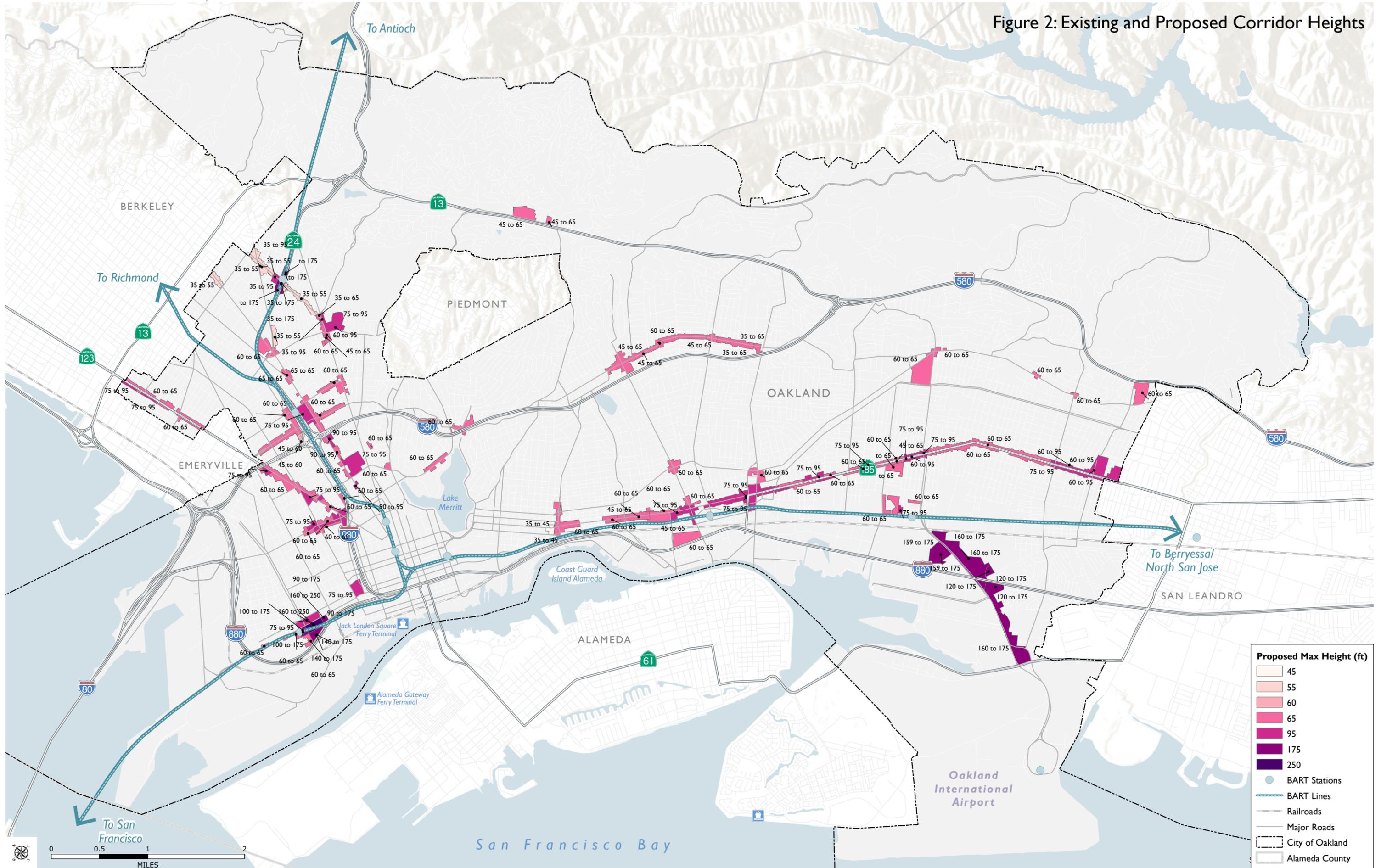


SOURCE: City of Oakland, 2022; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2022

Table 2: Commercial Zones along Corridors and BART stations, CN, CC, CR, & S-15 Zones,

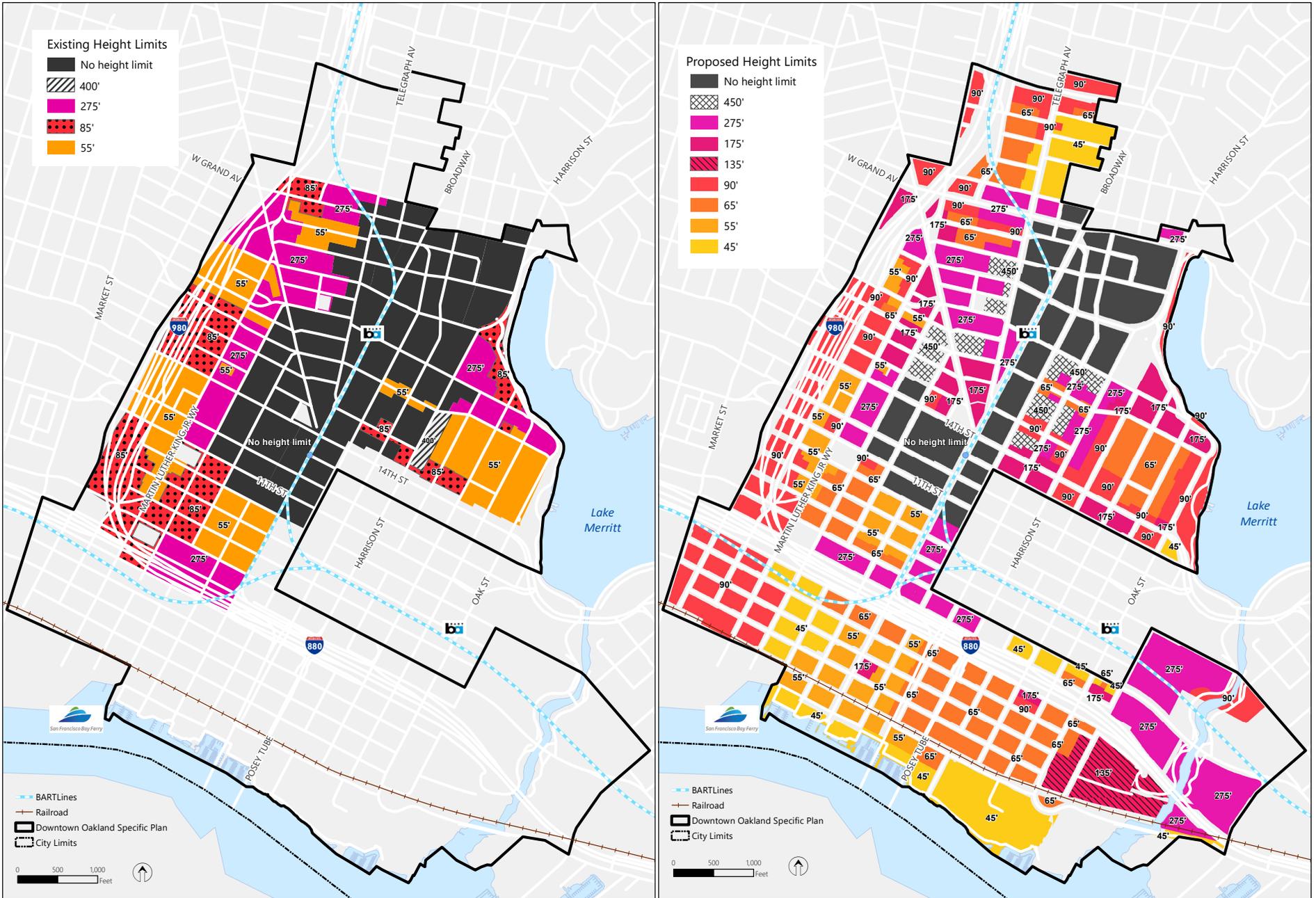
Existing Commercial Height Areas	Existing Max. Bldg. Height	Proposed Max. Bldg. Height	Existing Permitted Density (square feet of lot area per dwelling unit)	Proposed Permitted Density (square feet of lot area per dwelling unit)	Existing Permitted Density Rooming & Efficiency Units (square feet of lot area per dwelling unit)	Proposed Permitted Density Rooming & Efficiency Units (square feet of lot area per dwelling unit)
35 feet	35 ft.	35 ft.	550 sf	550 sf	275 sf	275 sf
45 feet	45 ft.	45 ft.	450 sf	450 sf	225 sf	225 sf
55 feet	55 ft.	55 ft.	375 sf	350 sf	185 sf	175 sf
60 feet	60 ft.	65 ft.	375 sf	350 sf	185 sf	175 sf
90 feet	90 ft.	95 ft.	225 sf	200 sf	110 sf	100 sf
100 feet	100 ft.	110 ft.	225 sf	200 sf	110 sf	100 sf
120 feet	120 ft.	125 ft.	225 sf	200 sf	110 sf	100 sf
140 feet	140 ft.	175 ft.	225 sf	200 sf	110 sf	100 sf
160 feet	160 ft.	175 ft.	225 sf	200 sf	110 sf	100 sf
160 feet (S-15 zone)	160 ft.	250 ft.	225 sf	200 sf	110 sf	100 sf

Figure 2: Existing and Proposed Corridor Heights



SOURCE: City of Oakland, 2022; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2022

Figure 3: Downtown Oakland Specific Plan Proposed Height Changes



Summary of Preliminary Draft Affordable Housing Overlay Zone (AHO) Proposal

The City of Oakland (City) has completed a public hearing draft update to the 2023-2031 Housing Element as part of Phase 1 of the 2045 General Plan Update (GPU) process. As part of the Housing Element’s Housing Action Plan, the City has identified several zoning reforms, including an Affordable Housing Overlay (AHO) Zone (see Action 3.3.5 in the Housing Action Plan).

The proposed AHO Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households (as defined in California Health and Safety Code Sections 50093, 50105, and 50106). By-right approvals for 100% affordable housing projects will apply in the AHO Zone.

Generally, the AHO Zone would allow for a bonus height for eligible affordable housing projects, as well as relaxation of other listed development standards and an elimination of any maximum residential density standards.

The City would apply the AHO Zone (Shown in Figure 4) on top of existing Hillside Residential-4 (RH-4), Detached Unit Residential (RD), Mixed Housing Type Residential (RM), Urban Residential (RU), Housing and Business Mix Commercial (HBX), Central Estuary District (D-CE), Neighborhood Center Commercial (CN), Community Commercial (CC), Central Business District (CBD), Regional Commercial (CR), Transit-Oriented Development Commercial (S-15), Broadway Valdez District (D-BV), Lake Merritt District (D-LM), and Coliseum Area District (D-CO) zones. Property development standards for each zone are shown in Table 1.

The AHO zone would not be applied to these underlying zoning districts if they are in the designated very high fire hazard severity zone (VHFHSZ). The City is studying the potential for areas that might be appropriate to be included in the VHFHSZ based on further analysis that is currently being conducted from consultants, including evacuation scenarios. In no circumstances would the AHO Zone apply within the S-9 Fire Safety Protection Combining Zone.

Table 1: Base Zone and Property Development Standards in AHO

Zone	Property Development Standards
RH-4*, RD, RM, RU, HBX, D-CE	<ul style="list-style-type: none"> • Allow bonus height (of two additional stories) • Allow additional lot coverage of up to (70%) • Allow reduced rear setback (up to 10 feet.) • Allow unlimited density that fits within the allowed building envelope of new or existing structures • Additional height to allow a minimum of 65 feet is being studied for larger lots that could accommodate a 6-story affordable housing development. • Reduced open space requirements. • No minimum parking requirements.
CN, CC, CBD, CR, S-15, DB-V, D-LM, D-CO	<ul style="list-style-type: none"> • Allow bonus height (two - three additional stories) • Allow unlimited density that fits within the allowed building envelope of new or existing structures

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- Additional height to allow a minimum of 65 feet is being studied for larger lots that could accommodate a 6-story affordable housing development.
 - Reduced open space requirements.
 - No minimum parking requirements.
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*= RH-4 parcels that are not located in the Very High Fire Hazard Severity Zone.

EXEMPTIONS

The AHO zone would not apply in:

- Areas of the Very High Fire Hazard Severity Zone. Some parts of the Very High Fire Hazard Severity Zone may be included in the AHO zone, pending the result of further analysis on safety impacts. In no circumstances will the S-9 combining district be covered by the AHO.
- Parcels with Designated City, State, and Federal Historic Landmarks.

The AHO *height* addition would not apply in:

- Areas with established historical significance known as Areas of Primary Importance (API), if the site currently contains a structure that contributes to the Area of Primary Importance. This shall only apply to APIs that are currently designated.
 - Projects in these areas must meet certain design requirements and preserve structures that contribute to the Area of Primary Importance.

BY RIGHT APPROVAL

100 percent affordable projects proposed within the AHO zone would be subject to a ministerial approval process. A proposed project would not be subject to CEQA and would not be appealable. This would provide greater certainty to affordable housing developers that if the project is within the AHO zone and meets the objective zoning criteria listed in the Planning Code, the project will be approved and not held up through an appeal process.

The City will also study the possibility of extending the streamlined approval provisions of the affordable housing overlay to mixed-income projects that qualify for the super density bonus and/or other strategies to augment the City's density bonus program, as well as potentially applying the overlay to select areas within the VHFHSZ. The City will allow SROs and Rooming Houses by right in areas subject to the prospective affordable housing overlay.

Table 2: Existing Heights vs. Proposed AHO Height Changes

Zoning District ¹	Maximum Building Heights			
	Existing Heights	Proposed Height Changes as part of Missing Middle Zoning Changes	Proposed Height Changes as part of AHO ²	
RH-4	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	(Same - No Change)	Max. Wall Ht.: 45 ft. Max. Roof Ht.: 50 ft.	
RD-1	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 30 ft. Max. Roof Ht.: 35 ft.	Max. Wall Ht.: 50 ft. Max. Roof Ht.: 55 ft.	
RD-2	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 30 ft. Max. Roof Ht.: 35 ft.	Max. Wall Ht.: 50 ft. Max. Roof Ht.: 55 ft.	
RM-1	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 35 ft. Max. Roof Ht.: 35 ft.	Max. Wall Ht.: 55 ft. Max. Roof Ht.: 55 ft.	
RM-2	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 25 ft. Max. Roof Ht.: 30 ft.	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 35 ft. Max. Roof Ht.: 35 ft.	Max. Wall Ht.: 55 ft. Max. Roof Ht.: 55 ft.	
RM-3	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 30 ft. Max. Roof Ht.: 30 ft.	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 35 ft. Max. Roof Ht.: 35 ft.	Max. Wall Ht.: 55 ft. Max. Roof Ht.: 55 ft.	
RM-4	For All Lots with a Footprint Slope of ≤20%: Max. Wall Ht.: 35 ft. Max. Roof Ht.: 35 ft.	(Same - No Change)	Max. Wall Ht.: 55 ft. Max. Roof Ht.: 55 ft.	
RU-1		40 ft.	45 ft.	65 ft.
RU-2		50 ft.	55 ft.	75 ft.
RU-3		65 ft.	65 ft.	85 ft.

1. Zones: RH-4 Hillside Residential Zone, RD-1 and RD-2 Detached Unit Residential Zones, RM-1 Mixed Housing Type Residential Zone with a footprint slope of <20%, RM-2, RM-3, and RM-4 Mixed Housing Type Residential Zones with a footprint slope of <20%, RU-1, RU-2, and RU-3 Urban Residential Zones and HBX-1 and HBX-2 Housing and Business Mix Commercial Zones
2. Note: Includes proposed new heights already in Preliminary “Missing Middle” Proposal. See: “Summary of Preliminary Missing Middle Proposal”

Table 3: Existing vs. Proposed AHO Height Changes for HBX-1 to HBX-4 Housing and Business Mix Commercial Zones

Zoning District	Maximum Building Heights	
	Existing	Proposed Height Changes as part of AHO
HBX-1	35 ft.	55 ft.
HBX-2	45 ft.	65 ft.
HBX-3	55 ft.	75 ft.
HBX-4	55 ft.	75 ft.

Table 4: Existing vs. Proposed AHO Height Changes for RU-4 and RU-5 Urban Residential Zones

RU-4 and RU-5 Height Areas Existing	Maximum Building Heights	
	Proposed Height Changes with Zoning Changes	Proposed Height Changes as part of AHO
35 feet	35 ft.	55 ft.
45 feet	45 ft.	65 ft.
60 feet	65 ft.	95 ft.
90 feet	95 ft.	115 ft.
120 feet	125 ft.	145 ft.

Table 5: Existing vs. Proposed AHO Height Changes for CN Neighborhood Commercial Zones

CN Height Areas Existing	Maximum Building Heights	
	Proposed Height Changes with Zoning Changes	Proposed Height Changes as part of AHO –
35 feet	35 ft.	55 ft.
35 feet*	35 ft*	55 ft.
45 feet	45 ft.	65 ft.
n/a	55 ft.	85 ft.
60 feet	65 ft.	95 ft.
90 feet	95 ft.	115 ft.

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

Table 6: Existing vs. Proposed AHO Height Changes for CC Community Commercial Zones

CC Height Areas Existing	Maximum Building Heights	
	Proposed Height Changes with Zoning Changes	Proposed Height Changes as part of AHO –
35 feet	35 ft.	55 ft.
45 feet	45 ft*	65 ft.
55 feet	55 ft.	85 ft.
60 feet	65 ft.	95 ft.
90 feet	95 ft.	115 ft.
1205 feet	125 ft.	145 ft.
150 feet	175 ft.	200 ft.

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

Table 7: Existing vs. Proposed AHO Height Changes for New CBD Central Business District Zones in the [Downtown Specific Plan](#)

Height Area - DOSP	New Height Areas	Proposed Height Changes as part of AHO
1	45 ft.	65 ft.
2	45 ft.	65 ft.
3	45 ft.	65 ft.
4	45 ft.	65 ft.
5	55 ft.	85 ft.
6	65 ft.	95 ft.
7	65 ft.	95 ft.
8	65 ft.	95 ft.
9	90 ft.	115 ft.
10	90 ft.	115 ft.
11	Residential not permitted	Residential not permitted
12	135 ft.	155 ft.
13	175 ft.	200 ft.
14	175 ft.	200 ft.
15	275 ft.	275 ft.
16	275 ft.	275 ft.
17	450 ft.	450 ft.
18	No height limit	No height limit

(see Figure 6, Summary of Preliminary Missing Middle Proposal for proposed DOSP height areas -1 through 18)

Table 8: Existing vs. Proposed AHO Height Changes in the Downtown Specific Plan - Zoning Incentive Area

<i>Height Area in DOSP - ZIP</i>	<i>New Height Areas</i>	<i>Proposed Height Changes as part of AHO</i>
A	65 ft.	65 ft.
B	90 ft.	95 ft.
C	90 ft.	95 ft.
D	175 ft.	200 ft.
E	275 ft.	275 ft.
F	275 ft.	275 ft.
G	450 ft.	450 ft.
H	No height limit	No height limit
I	No height limit	No height limit

Table 9: Existing vs. Proposed AHO Height Changes in the CR-2 Regional Commercial Zones

<i>CR-2 Height Areas</i>	<i>Maximum Building Heights</i>	
	<i>Existing</i>	<i>Proposed Height Changes with Zoning Changes</i>
35 feet.	35 ft.	55 ft.
45 feet.	45 ft.	65 ft.
60 feet.	65 ft.	95 ft.
90 feet.	95 ft.	115 ft.
120 feet.	125 ft.	145 ft.
160 feet.	175 ft.	200 ft.

(see Figure 3 - Summary of Preliminary Missing Middle Proposal for the Zoning Incentive Area)

Table 10: Existing vs. Proposed AHO Height Changes in the S-15 Transit-Oriented Development Commercial Zones

<i>S-15 Height Areas</i>	<i>Maximum Building Heights</i>	
	<i>Existing</i>	<i>Proposed Height Changes with Zoning Changes</i>
35 feet.	35 ft.	65 ft.
45 feet.	45 ft.	65 ft.
55 feet.	55 ft.	85 ft.
60 feet.	65 ft.	95 ft.
90 feet.	95 ft.	115 ft.
100 feet.	110 ft.	130 ft.
120 feet.	125 ft.	145 ft.
140 feet.	175 ft.	200 ft.
160 feet.	250 ft.	275 ft.

Table 11: Existing vs. Proposed AHO Height Changes in the D-BV-2, D-BV-3, D-BV-4 Broadway Valdez District Commercial Zones

<i>D-BV-2, D-BV-3, D-BV-4 Height Areas Existing</i>	<i>Maximum Building Heights</i>	
	<i>Proposed Height Changes with Zoning Changes</i>	<i>Proposed Height Changes as part of AHO</i>
45 feet.	45 ft.	65 ft.
45 feet*.	45 ft.*	65 ft.
65 feet.	65 ft.	95 ft.
85 feet.	95 ft.	115 ft.
85/135 feet.	95/135 ft.	115/155 ft.
135 feet.	135 ft.	155 ft.
135/200 feet.	135/200 ft.	155/225 ft.
250 feet.	250 ft.	275 ft.

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

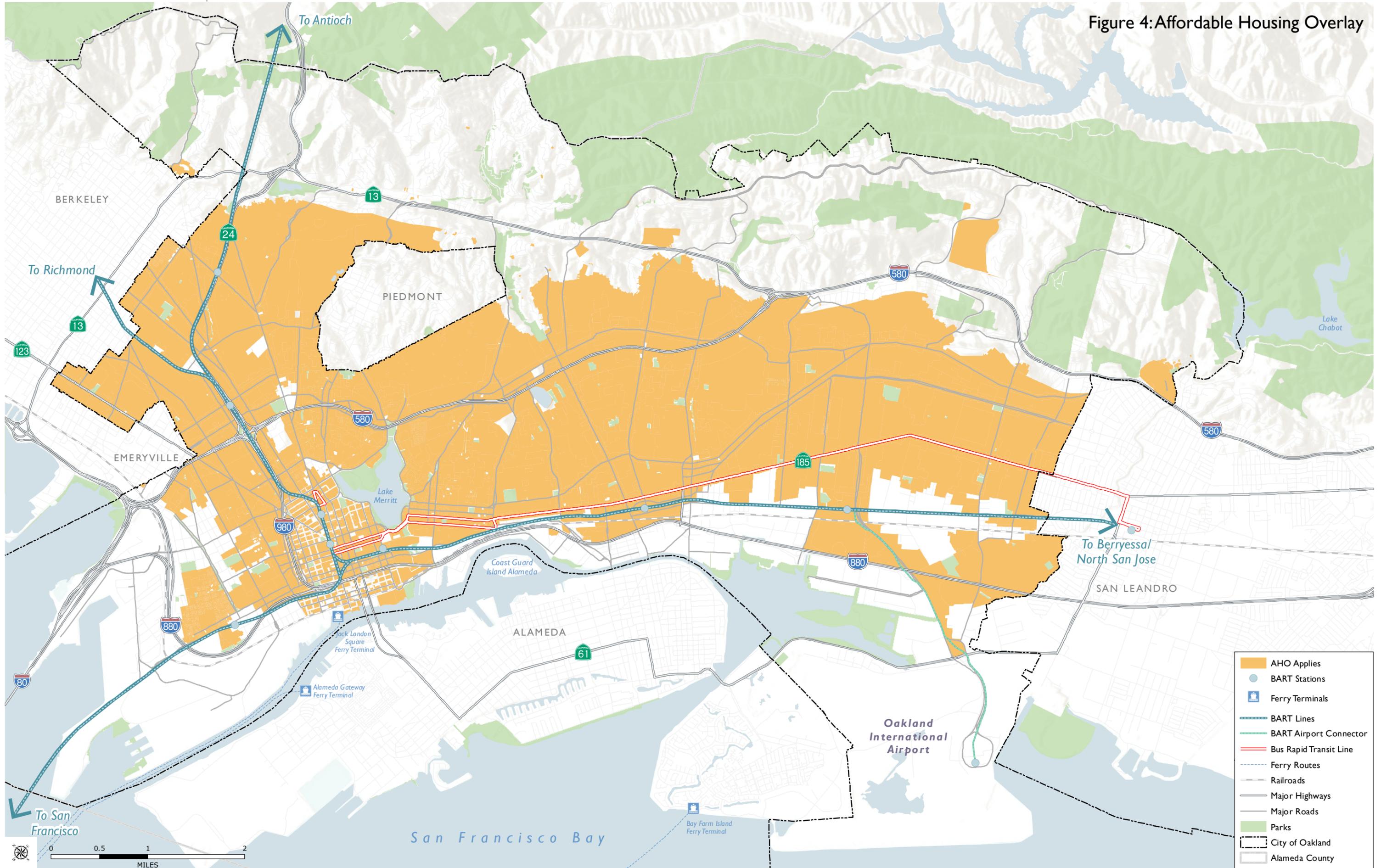
Table 12: Existing vs. Proposed AHO Height Changes in the D-LM Lake Merritt Station Area District Zones

<i>D-LM Height Areas Existing</i>	<i>Maximum Building Heights</i>	
	<i>Proposed Height Changes with Zoning Changes</i>	<i>Proposed Height Changes as part of AHO</i>
45 feet.	45 ft.	65 ft.
85 feet.	95 ft.	115 ft.
175 feet.	175 ft.	200 ft.
275 feet.	275 ft.	275 ft.

Table 13: Existing vs. Proposed AHO Height Changes in the D-CO-1, D-CO-2, and D-CO-4 Coliseum Area District Zones

<i>D-CO-1, D-CO-2, D-CO-4 Height Areas - Existing</i>	<i>Maximum Building Heights</i>	
	<i>Proposed Height Changes with Zoning Changes</i>	<i>Proposed Height Changes as part of AHO</i>
159 feet.	159 ft.	159 ft.
159 feet.	159 ft.	159 ft.
85 feet.	95 ft.	115 ft.

Figure 4: Affordable Housing Overlay



SOURCE: City of Oakland, 2021; ALAMEDA County GIS, 2021; Dyett & Bhatia, 2022

Summary of Preliminary Draft Housing Sites Overlay Zone Proposal

As part of the Housing Element's Housing Action Plan, the City has identified several zoning reforms.

For Action 3.4.10 the City will create a Housing Sites Overlay Zone to permit sites identified in the 4th and 5th RHNA cycles as part of the Housing Element's Housing Sites Inventory (identified in Table C-26 in Appendix C) that build 20 percent or more of the units as affordable to lower-income households to be subject to by-right approval. In addition, the City will also look at ways to incentivize developers to build affordable housing on newly included sites identified through the 6th RHNA cycle in the Housing Sites Overlay. This could include by-right approval and/or other incentives to be further evaluated. All parcels within the Housing Sites Overlay Zone (whether they were in the 4th or 5th cycles or new in the 6th RHNA cycle) will be required to be developed as a majority-residential use. A 100% non-residential use will not be allowed in this overlay.

The proposed Housing Sites Overlay Zone is intended to facilitate housing opportunities in Oakland and to bring attention to those sites that the City intends for housing to be built pursuant to the Housing Element.

APPLICATION OF THE HOUSING SITE OVERLAY ZONE

The Housing Site Overlay zone would apply to all housing sites identified in the Housing Sites Inventory in the Housing Element (See Housing Sites Inventory Map, Figure C-1 and Table C-26 in Appendix C).

Requirements

A minimum percentage of housing must be built on the site, with some allowance for limited non-residential on the site, such as the ground floor. In addition, minimum densities proportional to the realistic capacity on any given site in the inventory will be required.

Incentives

Under a by right approval process, as per State requirements, any projects providing at least 20% affordable housing units proposed within the Housing Opportunity Sites Overlay Zone would be subject to a ministerial approval process. A proposed project would not be subject to CEQA and would not be appealable. This would provide greater certainty to projects building at least 20% affordable units that if the project is within the Housing Opportunity Overlay Zone and meets the objective zoning criteria listed in the Planning Code, the project will be approved and not held up through an appeal process. This will also provide an incentive for mixed income buildings to be built on these designated opportunity sites.



17 May 2022

Dear Director Gilchrist and Staff of the 2045 General Plan Update,

The Board of the Dimond Improvement Association is writing today to provide input on the upcoming Housing Element of the 2045 General Plan Update.

The Dimond District is a resource-rich neighborhood in Oakland that is complete with high-quality transit service, park space, schools, access to grocery stores and restaurants, a library, and a post office. More Oaklanders should have access to the resources we currently enjoy. The Dimond Improvement Association has outlined the goals we wish to achieve for the 6th Housing Element Cycle to ensure strong equitable growth of our neighborhood.

High Level Goals

1. Develop without displacement
 - a. Focus upzonings on commercial properties and single-family homes. Do not upzone multifamily buildings that are subject to rent control (i.e. multifamily buildings built before 1983).
 - b. Continue to enforce the Housing Crisis Act of 2019 (SB 330) to ensure that any loss of rent controlled units is met with the addition of a corresponding number of new affordable units.
2. Encourage redevelopment in locations on and near transit lines in and around the Dimond to reduce vehicle miles traveled (VMT).
 - a. In general, *increase* the number of people in the Dimond, but *decrease* the number of cars
3. Focus on mixed use developments in the Dimond Business District (DBD) and other commercial properties in and around the Dimond

Focused Goals

1. Eliminate parking minimums for new housing construction in the DBD and all areas in the Dimond within 1 mile of transit stops.
2. Establish parking maximums for new housing developments in the DBD of less than 0.1 parking space per dwelling unit.
3. Establish bicycle parking minimums of 3 spaces per dwelling unit.
4. Establish a base height limit of 55 ft in the DBD
 - a. Upzone Opportunity Sites to a max height of 65 ft.
 - b. Make exceptions for rent controlled (built prior to 1983) multifamily housing.
 - c. Structure zoning changes such that newly constructed housing does not interfere with current and future business license permitting requirements (eg., liquor, cannabis dispensary, restaurant licenses, etc).



- d. Developments seeking additional height and density may do so through the State Density Bonus Law.
5. Upzone all transit corridors in and around the Dimond to 55 ft (MacArthur Blvd, Park Blvd, Fruitvale Ave, Lincoln Ave, etc).
 - a. Make exceptions for rent controlled (built prior to 1983) multifamily housing.
 - b. Modify zoning changes to within allowable density limits in high severity fire zones.

Small Lots

1. Draft clear rules for increasing density on smaller lots with different housing types (eg, apartments, bungalow courts, townhouses, etc), that allow for ministerial approvals.
2. Allow for six (6) units by-right for any lot that allows ADUs. Allow for ten (10) if two (2) are deed-restricted for affordable housing (subject to fire and building codes).
 - a. Limit public hearings to only one (1) if, and only if, the appearance of the lot is changed from the street view.
3. Legalize Accessory Commercial Units (ACUs) wherever ADUs are permitted to lower the barrier to entry for small-scale commercial businesses and encourage walkability within neighborhoods.
 - a. Draft rules guiding the permitting process of ACUs that allow for ministerial approvals.
 - b. Limit public hearings to only one (1) if, and only if, the appearance of the lot is changed from the street view.

Potential Opportunity Sites for Redevelopment with a focus on Mixed Use

1. Empty lot at MacArthur Blvd and Dimond Ave, 2114 MacArthur Blvd
2. Bank of America, 2154 MacArthur Blvd
3. Wells Fargo and Chase Bank, 3450-3438 MacArthur Blvd
4. Giant Burger, 2055 MacArthur Blvd
5. Safeway, 3500 Fruitvale Ave
6. 7-11, 2411 MacArthur Blvd
7. CVS, 3320 Fruitvale Ave
8. Old "Hopkinstown" intersection and strip mall, at MacArthur Blvd and Coolidge Ave (2809-2833 MacArthur Blvd, including 2828 MacArthur, 2846 Georgia St.)
9. Diamond Market building, 2979-2973 MacArthur Blvd
10. Solar Car Wash, 3092 MacArthur Blvd
11. Oakland Imported Cars, 3200 MacArthur Blvd

Suggested Project Homekey Sites

1. Highlander Motel, 3255 MacArthur Blvd
2. The Oaks Motel, 3250 MacArthur Blvd



We hope you will take our wishes into consideration for the Housing Element process and serve us by meeting all State requirements during this cycle.

Thank you

Ryan Romaneski

Chair, Dimond Improvement Association



October 14, 2022

Director William Gilchrist
Department of Planning and Building
City of Oakland
350 Frank Ogawa Plaza
Oakland, CA 94610

RE: Preliminary Zoning Proposals - Draft Housing Element 6th Cycle (2023-2031)

Dear Director Gilchrist,

We write to provide comments on Oakland's Preliminary Zoning Proposals (Proposals) as part of the Draft Housing Element for the 6th Planning Cycle (2023 - 2031). We welcome the power and extent of the proposed Affordable Housing Overlay. However, we have identified significant issues with the missing middle program, the sites identified to affirmatively further fair housing in Rockridge and elsewhere, commercial corridor rezonings, and the continued non-inclusion of promising, underutilized sites in low-VMT and high-resource tracts.

In terms of process, we notice Oakland identifies key feedback from community outreach for the general plan and housing element updates at the start of the proposals, but it is unclear how or where this feedback is reflected in the respective rezoning parts of the Proposals, or even whether they all represent suggestions the city has opted to take up. Please consider revising the Proposals to clearly identify how the key feedback is connected to and accomplished in the rezonings.

We summarize our comments as follows:

1. Revise the Missing Middle Program to ensure high-resource neighborhoods allow four units on most lots in practice, including providing setback relief and reducing/eliminating off-street parking minimums.

Preliminary Zoning Proposals

2. The proposed Rockridge rezoning sites have significant issues related to feasibility, equity and displacement risk; zoning a wider swath of land rather than picking a handful of sites would be more effective.
3. Choosing to leave in place current heights in Rockridge along College Avenue and Claremont Avenue, while miles of MacArthur Boulevard and International Boulevard in East Oakland are rezoned to allow significantly more height and development, is reinforcing patterns of spatial segregation. Oakland needs to be more ambitious with North Oakland standards to affirmatively further fair housing as required by state law.
4. Oakland should undo the 2011 downzoning along the high and moderate-resource Shattuck Avenue commercial corridor and increase heights to 45’.
5. We make various suggestions to improve the proposed Affordable Housing Overlay, including removing the exemption for height bonuses for prospective Areas of Primary Importance that are formed after the effective date of the rezoning.

Missing Middle Program

The proposed Missing Middle Program, while making some noteworthy changes, overall does not go far enough to meet the goals of the Missing Middle referral from CM Rebecca Kaplan and the Oakland City Council. In certain instances, *Oakland’s draft Missing Middle Program represents a downzoning from the SB9 development capacity.*

Currently 2-4 units is the baseline set by state housing law. Oakland should be pursuing a framework that allows **more** than that baseline on a majority of single-family lots. Staff’s proposal provides greater certainty by removing conditional use permits for residential zones, but does not provide sufficient density and development-standard relief for these opportunities to be reliable and straightforward - a necessity for any significant use of the opportunities. Few projects will be able to take advantage of a by-right process because density limits for standard lot sizes of 4,000-6,000 square feet are still too low. Furthermore, unchanged setbacks, especially the 15’ front and rear setbacks in most zones, severely constrains the feasibility of 3- and 4-unit developments.

We believe this program can be revised to facilitate the production of attainable and affordable middle housing. We recommend Oakland consider the following:

- **Sixplexes:** Sixplexes are more likely to be both feasible in the context of high land values and produce middle income housing ([see study from San Jose](#); attached as Exhibit A). Consider allowing up to six units by right in certain high-opportunity residential zones, as well as on corner lots and lots over 5,000 square feet.
- **Minimum Lot Sizes and Lot Splits:**
 - Please confirm explicitly that lot splits in residential zones will be approved ministerially.

Preliminary Zoning Proposals

- The minimum lot size in residential zones should be reduced from 2,500 to 2,000 square feet. Under SB9 the minimum lot size post-split is 1,200 square feet. While we appreciate Oakland reducing minimum lot sizes across residential zones, the 2,500 square foot minimum is twice that of the SB9 baseline. Moreover, 4,000 square feet is a common Oakland lot size, perhaps the most common. A 2,000 square foot minimum lot size would facilitate lot splits in most cases, whereas a 2,500 square foot minimum would largely exclude them. *As it stands, the proposed minimum lot sizes constitute a downzoning of development capacity in residential zones from SB9 and should be revised.*
- Lower Rockridge and Temescal:
 - To ensure Lower Rockridge and Temescal allow fourplexes in practice, consider rezoning them to RM-4. Lower Rockridge and Temescal typical lots are roughly 4,000 square feet. The proposed rezoning of these high-resource and low-VMT areas requires 1,500 square feet of land per unit. In practice this means only 2 units are allowed, which is the bare minimum under SB9. Moreover, 2 units does not meet the goals of Oakland City Council to allow at least 4 units in residential zones, and reduces owner incentives to add those units (these projects will often be complex and expensive). Rezoning these areas to RM-4 would require 1,000 square feet of land per unit, which would allow 4 units per lot by right in most or all cases.
- Adams Point: The zoning map shows a rezoning of the center of Adams Point from RM-1 to RM-2. This neighborhood is already full of medium-sized apartment buildings (see Figure 1 below, taken from the Oakland Map Atlas) These zoned capacity should match the existing built environment to allow for 4-8 story apartments. Alternatively, consider rezoning this area to RM-4.
- High Resource Areas: Bushrod, Santa Fe, Trestle Glen, Crocker Highlands are all high-resource or moderate-resource areas that are untouched by the proposed Missing Middle Program rezonings. These are also low-VMT neighborhoods with easy non-car access to jobs, parks and schools. They should be rezoned to at least RM-2. (Also in Figure 1 below).
- Heights: RM-1 should allow 3 stories by right.
- Parking: The current requirement of 1 unit of off-street parking requirement in most Oakland greater than ½ mile from transit makes most missing middle projects infeasible. The off-street parking requirements should be fully eliminated. Alternatively, the city could match the California ADU standard by eliminating off-street parking requirements within one (1) mile of any bus stop, but if so should require no more than 0.5 spaces per unit elsewhere.
- Setbacks:
 - As written, the Missing Middle Program offers no reduction in setbacks. As we have seen in Minneapolis and other places the failure to reduce lot coverage and setback rules in tandem with upzoning for 2-4 units will result in few to any construction. The existing RM front setback of 15-20' is a nonstarter for middle housing development.

Preliminary Zoning Proposals

- Consider reducing RM setbacks to 10' for front setbacks (or average of immediately adjacent neighboring buildings, whichever is less), 4' on all sides, and 0' for inner side or street side on lots less than 50' wide.
- Increase lot coverage to allow 50% lot coverage in all residential zones for projects seeking 3 or more units.
- Some zones have not only minimum lot area but minimum average width and minimum frontage. Those should be reduced in tandem with minimum lot areas.
- High-resource/Low-VMT gradation:
 - In order to reduce patterns of spatial segregation, Oakland should make special effort to ensure that 2-4 unit development is feasible in high-resource residential neighborhoods. The high land values of these neighborhoods also makes it harder for 2-4 residential uses to outbid luxury single-family homes. Therefore, we have previously written to Oakland suggesting that additional density beyond 4 units and additional setback relief be offered in high-resource areas. The proposed Missing Middle Program makes no effort in that regard. We recommend Oakland revise the program to confer additional density (baseline 5 units) and additional setback relief in high-resource residential zones.
 - In order to reduce VMT, Oakland should allow additional density and setback relief in residential zones near BART stations.
- Mills College:
 - Please clarify the reasoning behind rezoning Mills College at Northeastern University from RM-3 to RM-4. Plans for student housing on the actual Mills site should be tailored to student housing; RM-4 is a residential neighborhood standard. Without additional context, this appears to be a paper upzoning that will result in no new housing.
- Accessory Commercial Units:
 - The Proposals' key points from community engagement cites the need to attract retailers in food deserts. In many Oakland neighborhoods, especially East Oakland, the distance between commercial corridors where retail uses are permitted exceeds easy walking distance. Moreover commercial floor plates are often too big or expensive for many start-up or would-be retailers.
 - All RM zones in the current intent section include "and neighborhood businesses where appropriate", but in practice all subzones except RM-5 make food sales, restaurants, cafes, and retail sales require conditional use approval, and alcohol sales are only allowed if grandfathered. Consider allowing a wider range of commercial businesses as permitted in any space less than 600 square feet in all RM and RU zones ("Accessory Commercial Units") to facilitate greater food access, increased walkability and low impact diversity of uses.

///

Rockridge Rezoning

We appreciate that Oakland's Proposals include specific rezoning for Rockridge in response to our comments and those of HCD. Unfortunately, as discussed below, the rezonings as written have significant issues in terms of spatial equity, horizontal equity, feasibility and displacement. We are also concerned that staff continue to avoid rezoning soft sites near Rockridge BART that could easily be rezoned to further fair housing and reduce VMT.

- Commercial Corridor:
 - As noted below, commercial corridors throughout West and East Oakland are having their heights increased. These include commercial corridors close to BART and high-frequency bus (Fruitvale, West Oakland, Coliseum, and Telegraph Avenue near MacArthur BART) as well as on BRT lines (International Boulevard in San Antonio and between 73rd Avenue and Durant Avenue) and also some corridors miles from BART (Dimond District and Laurel District). All the while, heights for the commercial corridor of College Avenue near Rockridge BART remain untouched at 35' in CN-1 zones.
 - While Oakland proposes to rezone eight sites along College Avenue and Claremont Avenue, there are significant issues with many of these sites (see below). Moreover, it is concerning that Oakland seems perfectly willing to increase heights along miles of MacArthur and International boulevards but cannot countenance allowing more than two parcels to go up to 65' on College Avenue.
 - While we support height increases in commercial corridors generally, we are concerned about the horizontal inequity of excluding College Avenue and Claremont Avenue. Why should a strong commercial corridor in the Laurel District, over 2 miles from Fruitvale BART, be rezoned from 35' to 65', while College Avenue, within ½ mile of Rockridge BART, remains at 35'? Why should commercial land in Deep East Oakland in Elmhurst along International Boulevard go from 75' to 95' while Claremont Avenue near Rockridge is stuck at 35'? Are the existing commercial uses in Rockridge simply more valuable to Oakland than the existing commercial uses in East Oakland?
 - ***This concentration of multifamily development potential in lower income and non-white neighborhoods, especially in East Oakland, while preserving the height limits of commercial land in high-income and mostly white Rockridge is reinforcing, not reversing, existing patterns of spatial segregation.***
 - Oakland, in order to affirmatively further fair housing, should increase heights along College Avenue and Claremont Avenue to 55'.
- RM Zoning: As noted above, Lower Rockridge needs to go from RM-2 to RM-4 in order to allow for 3- or 4-unit development to occur - or the entire RM zone needs to allow 3- or 4-unit development both by right and in practice.
- DMV: Does Oakland have written confirmation that DMV plans to redevelop its property on Claremont? The use of state-owned land for redevelopment must be accompanied by a

firm commitment by the Department of General Services to redevelop the site within the eight year planning period.

- **5248 Claremont Avenue:** Site 5 on Figure 4 is a 3-story, 42-unit apartment building constructed in 1959 called Claremont Park Apartments. It is highly likely that this property is subject to Oakland's rent control ordinance. In any case, this property should not be rezoned. ***If it remains as a rezoning site either: 1) no redevelopment will occur due to the costs associated with SB330/SB8 replacement, relocation and right to return requirements; or 2) redevelopment will occur and 42 units of rent-controlled housing will be destroyed when vacant, commercial and owner-occupied sites abound nearby. Oakland should not be in the business of designating rent-controlled housing in high-resource areas for upzoning and redevelopment.*** Please remove this site.
- **Trader Joe's parking lot:** This is a high-volume grocery store with two surface parking lots. It is highly unlikely either the store itself or the parking lot fronting College Avenue will be redeveloped. The Miles Avenue fronted surface parking lot may be feasible for redevelopment, but it will be difficult given that the CN-1 standards only permit approximately 40 units.
- **5264 Claremont and 5256 Claremont:** These sites include approximately four residential units. Under the CN-1 density standards and unchanged 35' height limit these sites could yield 9 units at most each. If there are existing low-income tenants on-site then 1 or 2 of 9 units will be required to be replaced with deed-restricted units. Does Oakland have a track record of producing developments with less than 10 units and on-site affordable housing in this manner? If not, they should be considered for higher density or removed.
- **6209 College:** This site has an existing banking use and surface parking lot. Under the CN-1 standards it can yield at best 20 units. It is unlikely that 42 dwelling units per acre will outbid the existing banking use.
- **5220 Claremont:** This site has an existing pediatric use that is part of UCSF Benioff Hospital. Has Oakland obtained written evidence that the property owner intends to discontinue this use within the eight year planning period?
- **Unpicked Sites:** As seen above, there are significant issues with Oakland's Rockridge rezoning sites. There are many sites that Oakland could identify for rezoning that would be more feasible for housing while minimizing displacement.
 - The vacant site at Pleasant Valley/51st Street and Broadway - This is a large vacant site near BART and Lines 51A and 18. It is in a high-resource tract and has easy access to health services, grocery stores and open space.
 - Claremont flatiron - This vacant parcel at Claremont and College is currently zoned to only allow 18 units. It was also a very popular site in the city's survey data. Consider rezoning to allow 75 dwelling units per acre.
 - Gas Stations - There are several gas stations that could be rezoned within Rockridge.
 - 51st Street - This is a 75' wide residential street with bus service and is within a ½ mile of Rockridge BART. It is proposed to be rezoned to RM-2. It should be rezoned to allow for multifamily housing with heights of 45' and up to 55 dwelling units per

Preliminary Zoning Proposals

- acre. The existing uses of mostly owner-occupied single family homes and a few duplexes would reduce the impacts of potential displacement and relocation costs.
- In practice, most development usually occurs in places outside those designated in housing elements, because for- and non-profit developers evaluate prospects in different ways from planning professionals and often come to different conclusions. In addition to trying to pick winners among sites, the city should consider a broader upzoning to 6+ stories and 75+ units per acre in a one-mile radius of Rockridge BART.

Commercial Corridors

We understand that many of Oakland's proposed commercial corridor rezonings are meant to reconcile planning code with building typologies. In addition, the Proposals increase heights in commercial corridors in several key areas near transit (excluding College Avenue and Claremont Avenue in Rockridge). While these heights increases are certainly helpful for increasing housing feasibility and lowering VMT we are concerned about the lack of height increases in key areas.

- **Park Boulevard:** Heights along the commercial sections of Park Boulevard in Eastlake and Glenview should be increased.
- **Shattuck Avenue:**
 - This section was downzoned in 2011 to 35' in response to housing development in the mid-2000s. Homeowners in these high-resource areas pushed to downzone the corridor due to concerns about development exceeding existing zoning (through use of State Density Bonus Law) but within the general plan designations; the groups supporting the downzoning cited impacts to "sunlight, privacy and appearance." [[Oakland Planning Commission staff report, July 14, 2010](#); attached as Exhibit B]. This was a poor justification for downzoning a high-resource, low-VMT transit corridor and should be undone.
 - In February 2021 a 45' multifamily development project at 6501 Shattuck Avenue (½ mile from Ashby BART) that had submitted an application prior to the 2011 35' downzoning was appealed and delayed for months by nearby homeowners and landlords. The appeal was ultimately rejected but such appeals add risk and cost to housing development.
 - Recently, a proposal was submitted for an apartment building at 6341 Shattuck Avenue. Consistent with the zoning, it is limited to 3 stories; allowing 4 stories would likely enable a 30-40% increase in new homes built.
 - Consider increasing heights along Shattuck Avenue back to 45' or more to facilitate housing development in this high-resource and low-VMT neighborhood.

///

Affordable Housing Overlay

Overall we are highly encouraged by the Affordable Housing Overlay (AHO) proposal. We believe it has the potential to open up more residential land for affordable housing development, including in high-resource areas. The by-right provisions of this rezoning program can provide needed greater certainty to affordable housing developers. The AHO, if implemented with care, can deliver more low and moderate income housing and help reverse patterns of spatial segregation.

We offer the following suggestions:

- Co-ops and CLTs: Make sure the ordinance explicitly allows co-ops and land trusts to use the AHO.
- Relax open space requirements: convert open space per unit into open space per residential living space, so that more density does not penalize them in terms of open space requirements. For further context, the CN zone already has lower requirements for efficiency units but residential zones do not.
- Cohousing: Allow cohousing with shared bathrooms and shared kitchens.
- Historic Districts: Not allowing +20ft height in historic areas, aka Areas of Primary Importance (APIs), is inequitable. Some of the high-resource areas affected include most of the rectangle between Alcatraz, Woolsey, College, & Telegraph; as well as the entire CCA site at 5200 Broadway. A historical building is *not* demeaned or diminished by having a taller building next to it.
 - We strongly request that Oakland does not allow newly formed, prospective APIs at the effective date of the rezoning to be exempted from AHO height bonuses.
- Roof Heights: Many zones like RM currently allow 5 feet more roof height than wall height to allow for pitched roofs. But when this proposal adds 20 feet that +5 feet often vanishes. What is the rationale for this? Pitched roofs can work in taller buildings too. Consider allowing +5 feet for pitched roof in every AHO zoning category.
- DBL Consistency: Clarify the meaning of 100% affordable in terms of income levels that the units must be restricted to. At a minimum, 100% affordable projects under the definition of State Density Bonus Law (AB1763), which are defined as 20% moderate-income, 80% extremely, very low or low-income, and one manager's unit, should qualify under the city AHO. Additionally, the city could consider allowing more than 20% of units to be moderate-income-restricted to open more options.
- Parking: Off-street parking requirements represent significant hard costs and opportunity costs for low-income housing. Parking requirements are a binding constraint on development of multifamily housing that reduces site viability. AB2097 and other state bills have reduced parking requirements within ½ mile of transit and in low-VMT areas. Oakland should go further and require no off-street parking for AHO projects anywhere.
- Fire Zones: The Very High Fire Severity Zones (VHFSZs) are exempted from the AHO. While there are valid safety concerns related to fire risk and escape we would be remiss not to point out the inequity of exempting high-resource and historically exclusionary

Preliminary Zoning Proposals

VHFSZs. Oakland should explore allowing AHO projects in VHFSZs with hardening and other mitigations.

Thank you for considering these comments. We are available to discuss them via phone or video conference, if necessary.

Sincerely,

John Minot
Jonathan Singh
EB4E Co-Executives

Victor Flores
Resilience Manager, East Bay
Greenbelt Alliance

Nico Nagle
East Bay Organizer
Housing Action Coalition

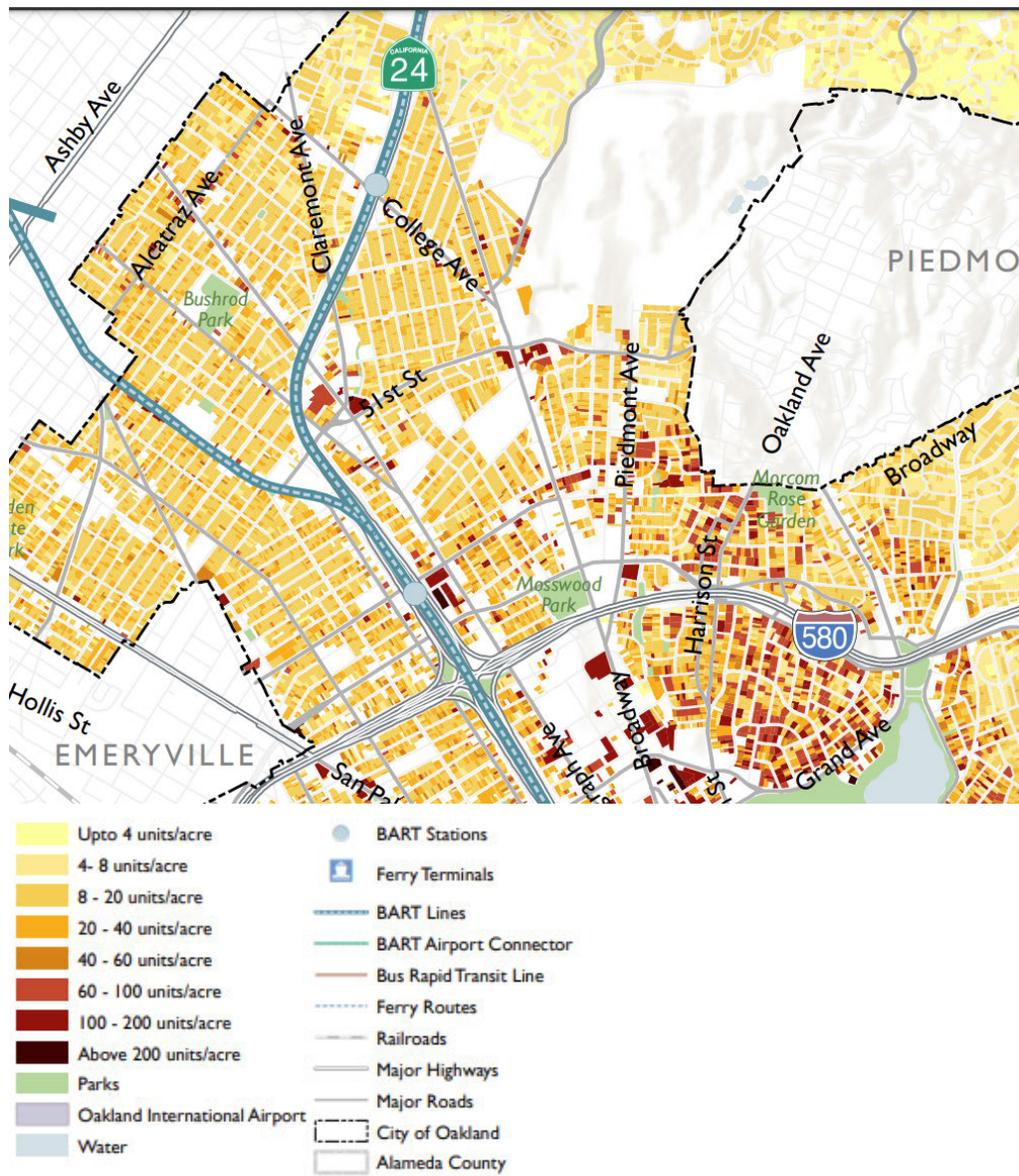
Sarah Bell
Lead
East Bay YIMBY

Keith Diggs
Housing Elements Advocacy Manager
YIMBY Law

cc:
CA Department of Housing and Community Development

Preliminary Zoning Proposals

Figure 1: Existing Residential Density, Central and North Oakland Inset (from Oakland Map Atlas, Figure 2-6)



The goal of this figure is to show that:

- the triangle of Adams Point in the lower right of the figure is already densely full of medium- and some large apartment buildings - the densest census tracts in Oakland outside downtown - yet is mostly zoned RM out of keeping with its current environment, and the proposed rezonings only move a small chunk of it up one level within RM. It should be a high-density zoning designation that allows the same buildings that exists now - not RM or even RU.
- Rockridge, Temescal, and other parts of North Oakland are nearly a single-family monoculture, while the proposed rezonings only increase the density in that large, high-opportunity by a small degree.



December 4, 2022

Director William Gilchrist
Department of Planning and Building
City of Oakland
350 Frank Ogawa Plaza
Oakland, CA 94610

RE: Revised Draft Housing Element 6th Cycle (2023-2031) dated 11/29/22

Dear Director Gilchrist,

We write to provide comments on Oakland's Revised Draft Housing Element for the 6th Planning Cycle (2023 - 2031) released on November 29, 2022 ("Revised Draft").

Overall we are pleased with the direction of the Revised Draft and appreciate the incorporation of many of the comments from the East Bay for Everyone, YIMBY Law, HAC, Greenbelt Alliance and East Bay YIMBY letter dated October 14, 2022.

The Missing Middle Program is significantly improved by reductions in setbacks, reductions in parking requirements, and increase in allowable density for high-resource areas like Rockridge and Adams Point. We are also happy to see an increase in commercial corridor heights along Claremont and College as well as the inclusion of additional, more viable opportunity sites in Rockridge.

We are also encouraged to see the City of Oakland commit to studying single exit aka "single stair" reform. We disagree, however, that the City of Oakland is unable to implement changes at the local level. The City of Seattle, for example, has adopted local building code changes for a single exit up to five stories that meet NFPA 101 mitigation requirements, including a maximum of four units per floor, automatic sprinklers, one hour-rated walls around the core and half hour-rated walls between units. Oakland could similarly adopt amendments to its local code or establish an alternative means and methods process for four story single stair structures.

We offer the following comments on the Revised Draft:

1. For Missing Middle Housing, we appreciate the reduction of off-street parking requirements to 0.5 in residential areas and zero in the ½ mile radius of major transit stops, but we believe it would be more productive if zero-parking missing middle were allowed across significant transit corridors, rather than merely near BART stations, BRT stops, and

the (rare) intersection of two bus corridors each with up to 15-minute peak headways. We propose instead zero parking requirements within ½ mile radius of bus stops of lines running with at least 30-minute peak headways, which would allow not only Telegraph, Broadway, San Pablo, and MacArthur, but also Grand.

We also suggest a planned check-in midway through the planning period to examine whether missing middle standards are in fact being used at scale, and to amend further if not.

2. Table C-17 “Lower- Income Projects on Small Sites 2018 - 2021” describes projects less than ½ acre developed as low-income housing. Three of the five projects identified in this table are acquisition projects, including Project Homekey sites. Acquisition of sites for low-income housing less than ½ acre is an important goal for preserving and creating affordability but it does not address the underlying need for deeper analysis of building low-income housing on small sites as required under HCD guidance.

The purpose of additional analysis for low-income housing development for small sites less than ½ acre is to identify that the jurisdiction has a track record of developing new construction of low-income housing on such sites. This is important because smaller sites are difficult to finance through the Tax Credit Allocation Committee and other funding sources. Small sites are also more difficult to construct due to parking, circulation, second egress and other requirements. Please remove the acquisition sites and provide additional analysis of Oakland might pursue additional policy changes, including single stair reform, to increase the viability of low-income housing development on small sites.

3. We appreciate the broad reduction to parking standards in a range of zones, not just residential-only, reflecting Oakland's Transit First policy and climate goals. In light of recent counterproductive proposals of parking garages or overparked apartment complexes in transit-oriented areas of Oakland, this direction could be enhanced by:
 - a. Applying revised CBD parking maximums to apply equally to a ½-mile radius of all major transit stops;
 - b. Making new paid parking, structured or surface (as opposed to off-street parking serving another use) require conditional use permits; and
 - c. Require all structured parking be built to be convertible to non-parking uses in the future; currently their standard angled floors make it impossible to do anything else without demolishing.
4. We appreciate and are excited at the proposal to remove CUP requirements for small commercial establishments in residential zones (Accessory Commercial Units) and, in food deserts, for grocery stores. However, we suggest careful objective definition of "food desert," and to err on the side of an expansive definition, such as the USDA half-mile standard (as opposed to a 1-mile standard).

Thank you for considering these comments. We appreciate the City of Oakland's ongoing efforts to refine and deliver a compliant and equitable Housing Element.

EB4E - Oakland Revised Draft HE 11/29

Sincerely,

John Minot
Jonathan Singh
EB4E Co-Executives

cc:
CA Department of Housing and Community Development

-



December 6, 2022

By electronic transmission

General Plan Team, Lakshmi Rajagopalan, Audrey Lieberworth
City of Oakland Bureau of Planning and Zoning
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612

Subject: November 2022 Revised Draft Housing Element

Dear General Plan Team:

Oakland Heritage Alliance is still studying the revised November, 2022 draft Housing Element, including the appendices, so the following comments are preliminary and subject to future modification and expansion.

A. Housing Element main document.

1. The 11/22 draft now commits the City to specific zoning revisions in specific areas, such as Action 3.2.1's provision for reducing minimum lot sizes in Detached Unit and Mixed Housing Type Residential Zones to 2000 ft.². These kinds of provisions are appropriate to state in general terms as part of a General Plan element and/or as proposals for consideration, but when presented with the draft's level of specificity causes the draft to read more as a zoning ordinance rather than a general plan element. Such levels of specificity should be normally reserved for the zoning amendments. Related to this, the preliminary draft zoning amendments in Appendix J should be understood as just that – a preliminary draft that the City has not yet committed to. **Action 3.4.1, Bullet 8 regarding Appendix J should reflect this by adding “preliminary draft” before “proposal”.**
2. It is our understanding that an Environmental Impact Report (EIR) will be prepared for the zoning amendments implementing the Housing Element, rather than for the Housing Element itself. Therefore, **what will be the environmental review determination for the Housing Element?** If the Housing Element includes specific upzoning provisions, such as discussed above, an EIR or at a least negative declaration would appear necessary.
3. Action 3.4.3 states that, among other things, Action 3.4.8 will “create objective design review standards and... allow for streamlined ministerial approval”. However, Action 3.4.8 actually provides only for objective design standards and says nothing about ministerial approval. **The term “ministerial approval” needs to be explained.** It often

means over the counter approval, with no public notification, review or appeal. But **there still needs to be public notification and review to help ensure that staff application of objective standards is performed correctly.** OHA reviews numerous design review applications and has found many cases where existing zoning standards and/or design review criteria were not applied correctly or fell through the cracks.

In addition, “ministerial approval” indicates that such projects are exempt from environmental review. Such projects if located in historic areas could adversely impact the architectural integrity of these areas, which would normally constitute a “significant effect” under the California Environmental Quality Act (CEQA). **Therefore, if no project level environmental review will be conducted for ministerial projects, the environmental impacts of such projects must be considered as part of the Housing Element** which enables the projects, or at least in conjunction with the zoning amendments to implement the Housing Element. **If no EIR or negative declaration will be prepared for the Housing Element, Housing Element provisions such as requiring ministerial approval of projects must be presented with sufficient generality and caveats to clearly communicate that these provisions are subject to the zoning amendments or other follow up regulatory action that receives environmental review.**

4. **Use alpha-numeric designations to facilitate reference, rather than bullets,** especially for provisions that are part of the Goal/Policy/Action statements such as Actions 3.4.1, 4.1.4 and 5.2.9.

B. Specific problematic provisions in Appendix J.

1. **Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.** For some zones, Appendix J proposes to replace the two-tiered system with a single overall height limit. Retaining the two-tiered system in residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.
2. In many residential zones, reductions in front setbacks are proposed. **Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise new development will literally “stick out” and architecturally disrupt the streetscape. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.
3. **Retain the conditional use permit requirements for projects with five or more regular units,** since projects with five or more regular units allowed by right are eligible for a density bonus under the State Density Bonus Law that can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. If more density is desired, provide it in the form of more accessory dwelling units (ADUs) (which don’t count toward the five

unit bonus trigger), especially ADUs within existing buildings. Some or all of the ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.

4. **Table 2 – Commercial Zone Height Limits.** Retain existing height limits in Areas of Primary and Secondary Importance (APIs and ASIs). In most cases, the existing limits were structured to avoid out-of-scale new buildings.
5. **Figure 3 – Downtown Oakland Specific Plan (DOSP) proposed height changes.** This map essentially preempts the height limit discussion that has been ongoing for five years as part of the DOSP and is intimately tied into other important DOSP initiatives, such as the transferable development rights and zoning incentive programs. The Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area.
6. **Affordable Housing Overlay (AHO) zone.** It is good that the AHO zone would not apply to City, state and federal historic landmarks and the height additions would not apply to APIs. However, in addition, the AHO should not apply to APIs and ASIs, since the unlimited residential density provision will make all parcels eligible for the State Density Bonus Law. As discussed in Item B.3 above, this would enable greater heights than otherwise allowed, incentivizing disruption of APIs and ASIs architecturally, and potentially incentivizing demolition.

If unlimited density is desired in APIs and ASIs as part of the AHO program, it should be limited within APIs and ASIs to units within existing buildings, at least in lower density zones, and to no more than four regular units per parcel, plus perhaps unlimited ADUs.

The AHO height changes for the DOSP area should be considered as part of the DOSP process, rather than as part of the Housing Element. The Housing Element can include a provision stating this.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523-0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835-1819 or Naomi@17th.com if you would like to discuss these comments.

Sincerely,



Mary Harper
President

CC: William Gilchrist, Ed Manasse, Catherine Payne, Karen August, Betty Marvin, City Planning Commission, City Council, Landmarks Preservation Advisory Board

Rajagopalan, Lakshmi

From: Ryan Lester [REDACTED]
Sent: Tuesday, December 6, 2022 8:08 PM
To: General Plan
Subject: Re: Oakland General Plan Update: Revised Draft of Housing Element Now Available for Public Review!

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Oakland Planning Department,

While the changes to the Oakland 2045 General Plan are commendable, I am disappointed that some of the most resource and transit rich neighborhoods in Oakland are not being upzoned significantly.

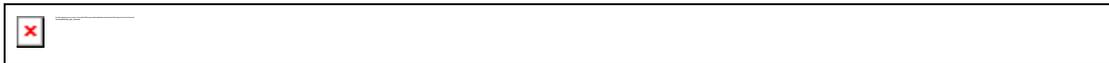
While Rockridge and North Oakland are being targeted (rightly) for additional housing density, the MacArthur Blvd Corridor in East Oakland (near Laurel and Dimond) neighborhoods are not being targeted for almost any additional density. This corridor is well served by numerous local and transbay bus lines, has abundant high-quality employment, food/grocery, park and school options but is currently almost exclusively single family only zoned. Housing built close to 580 is far away from the WUI and fire danger and would be a prime candidate to increase density in, so that all parts of Oakland affirmatively further fair housing.

I respectfully ask that the City of Oakland provide more access for residents who are not millionaires to live above 580 by providing housing options in these neighborhoods that are more than just single family only residences.

Respectfully,

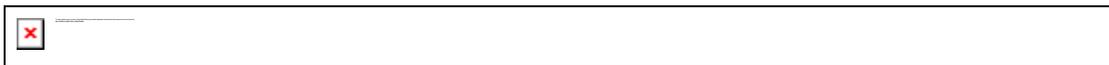
Ryan Lester

On Tue, Nov 29, 2022 at 2:41 PM Lakshmi Rajagopalan <generalplan@oaklandca.gov> wrote:



GENERAL PLAN UPDATE

Housing Element Public Hearing Draft Released!



Housing Element Public Hearing Draft Available for Public Review!

The City of Oakland has released the [2023-2031 Housing Element Public Hearing Draft](#). This revised draft of the Housing Element addresses community feedback received from June 2022 to mid-October 2022 and fulfills requirements for compliance with state law.

The Public Hearing Draft includes several new components:

1. An executive summary
2. A substantially updated Chapter 4: Housing Action Plan
3. Appendix J: Proposed Rezoning Changes
4. Appendix K: City of Oakland Response to the Findings Letter from State HCD, dated 9/28/22
5. Appendix L: Response to Public Comments.

The [Housing Element Public Hearing Draft](#) is also being shared with State Housing and Community Development (State HCD) department today. Pursuant to AB 215, the Housing Element Public Hearing Draft will be formally submitted to State HCD on December 7, 2022, after the seven-day public review period (Nov. 30 to Dec. 6). Comment letters received prior to the formal submittal will be included in the formal submittal package. Comment letters received after the formal submittal will be forwarded to State HCD at the time the comments are received.

After the seven-day public review period, the public can continue to provide feedback on the Housing Element Public Hearing Draft **until December 29, 2022**. Comment letters received after December 6, 2022 will be forwarded to State HCD at the time the comments are received and will be included as a supplemental document to the agenda reports for the Planning Commission and City Council public hearings beginning in January 2023.

Please see the project milestone dates below for an overview of the process moving forward:

- November 29, 2022 – Publication of Public Hearing Draft Housing Element
- November 30, 2022 - December 6, 2022 – Seven-day public review period, pursuant to AB 215
- December 7, 2022 – Submittal to State HCD
- December 29, 2022 – End of the comment period for the Housing Element Public Hearing Draft
- January 2023 – Public Hearings for Housing Element Adoption (Dates TBD)

How to Comment on the Housing Element

There are several ways to comment on the 2023-2031 Housing Element before it is adopted by City Council in early 2023:

1. Email feedback to: generalplan@oaklandca.gov
2. Participate in community events posted on our [website](#)
3. Attend upcoming public hearings at the Planning Commission and City Council on the Housing Element, beginning in January 2023. An email will be sent out when the public hearing dates are scheduled.

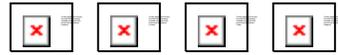
Questions?

For more information and to find out how to get involved, visit the [General Plan Update website](#) or please contact Lakshmi Rajagopalan at generalplan@oaklandca.gov.

The Planning & Building Department oversees the regulations for the City's growth and development. Through reviewing project plans, enforcing local ordinances, developing neighborhood plans, and responding to public concerns, we work to create a built environment that supports the health and welfare of all Oaklanders.

IMPORTANT NOTE: You are receiving this message because you have expressed interest in receiving updates on the General Plan Update with the Planning & Building Department. This is a courtesy notice to inform you of

important updates in relation to your business with the city. If you do not wish to receive future messages, please click on the "Unsubscribe" link below.



City of Oakland, Planning & Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612

City of Oakland, 1 Frank H Ogawa Plaza, Oakland, CA 94612

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--
Ryan Lester



Alameda-Contra Costa Transit District

Oakland Housing Element Letter

Laura Kaminsky

GeneralPlan@Oaklandca.gov

Dear Ms. Kaminsky and Housing Element staff:

Thank you for the opportunity to comment on the Oakland Housing Element, 2023-2031. AC Transit has long been a strong supporter of transit-oriented housing and commercial development in Oakland and throughout our district. Transit-oriented development along AC Transit's frequent service corridors contributes to the goal of improving non-automotive access throughout Oakland. It also contributes to increasing AC Transit ridership. We wish to raise one concern about the current draft of the Element.

As you know, Oakland is required under state law to assure that it has zoned capacity allow an additional 26,000 housing units by 2031. This is an ambitious goal that must include adding zoned capacity along major AC Transit routes. We are pleased to see that the Element, as detailed in Appendix J, plans to add zoned capacity in segments along a number of these corridors. Portions of College Avenue., Broadway, International Blvd., Foothill Blvd., and Telegraph Avenue south of 55th Street are proposed for up zonings to higher density zones, or for increases in permitted heights in their existing zones.

Two segments of key bus transit corridors appear to have been overlooked: "Upper" Telegraph Avenue north of SR 24 to the Berkeley border. Another is Martin Luther King Junior Way between 40th St. and 47th St. These areas are not proposed for up zoning or height limit increases in the current draft Housing Element.

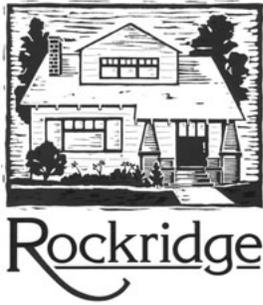
There are several reasons why the Telegraph segment is appropriate for allowing increased density. AC Transit, in conjunction with the City of Oakland, is planning to make capital improvements along this (line 6) corridor. This segment has a number of single-story commercial sites which could be reused for housing. In addition, this segment has travel demand going south into central Oakland, and north to Alta Bates Hospital, the University of California, and Downtown Berkeley.

The shorter segment on Martin Luther King Junior Way also has frequent bus service. It also has low intensity commercial uses which could be reused for housing. It is well-located between Children's' Hospital and Macarthur BART.

We understand that the Element's proposals must be codified in changes to Oakland's zoning code. We urge that Upper Telegraph Avenue be considered for intensified housing development through appropriate changes to the zoning code.

Thank you for your consideration.

Ajay Martin *Ajay Martin*
acting for Robert Del Rosario



Oakland Planning Commission
[By Email]

Re: Adoption of Final City of Oakland Housing Element

January 10, 2023

Dear Planning Commissioners:

The Rockridge Community Planning Council (RCPC) is supportive of the latest draft of the City of Oakland Housing Element and urges the Planning Commission to recommend adoption of the Element to the City Council, with one recommended change and one noted concern as outlined below.

RCPC is appreciative of the addition of the Ridge site to the Element's inventory of housing sites. We are supportive of the upzoning of the College Avenue Transit Corridor to facilitate potential development of upper story housing there in the future. We are also supportive of higher heights proposed for the Rockridge BART station site, as BART, the City and neighborhood stakeholders begin the process of discussing a potential housing development project there.

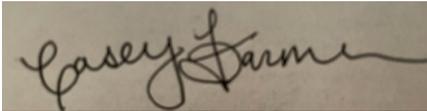
We note and are supportive of the proposal to increase the permitted density in most of Rockridge's residential areas to an RM-4 zone. However, we note that some areas of Rockridge are only proposed for RM-3 or less. We don't understand the reason for this discrepancy and would like the whole area to be moved to RM-4.

In addition, with respect to the Ridge site we call the Commission's attention to Action 3.4.10 on page 88 of the draft. This zoning implementation action would require sites included on the Housing Sites Inventory to be developed as majority-residential use. We very much appreciate this, as it would alleviate our worry that this critical site could be developed with an inappropriate non-residential use. However, the concern here is that it may take a number of months or even years for the Council to adopt this zoning change and in the meantime a currently code-compliant non-residential use could be proposed for the site. We urge the

Commission to recommend to the Council some means of protecting the Ridge site as a housing site in the short term.

We extend our thanks to the Planning Department staff for a difficult job well done!

Sincerely,

A rectangular image showing a handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and reads "Casey Farmer".

Casey Farmer
Chair, RCPC Board of Directors

Kenneth Rich

Ken Rich
Chair, RCPC Land Use Committee



January 11, 2023

By electronic transmission

Oakland City Planning Commission
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612

Subject: November 2022 Revised Draft Housing Element

Dear Chair Fearn and City Planning Commissioners:

The following comments modify and expand upon our December 6, 2022 comments to the general plan team that were also previously provided to you. The changes are limited to Items A.1 and A.2.

A. Housing Element main document.

1. The 11/22 draft now commits the City to specific zoning revisions in specific areas, such as Action 3.2.1's provision for reducing minimum lot sizes in Detached Unit and Mixed Housing Type Residential Zones to 2000 ft.². These kinds of provisions are appropriate to state in general terms as part of a General Plan element and/or as proposals for consideration, but when presented with the draft's level of specificity causes the draft to read more as a zoning ordinance rather than a general plan element. Such levels of specificity should be normally reserved for the zoning amendments.

The statements committing the City to specific zoning revisions should therefore be revised so they don't read as commitments but rather as proposals subject to review and refinement as part of the ordinances implementing the zoning amendments, using words such as "consider" and/or "may" rather than "will", thereby reserving the final determination of whether to proceed with these changes to the ordinances implementing the zoning amendments.

Related to this, the preliminary draft zoning amendments in Appendix J should be understood as just that – a preliminary draft that the City has not yet committed to.

Action 3.4.1, Bullet 8 regarding Appendix J should reflect this by adding "preliminary draft" before "proposal".

See attached marked-up pages from the Housing Element and Appendix J for specific wording reflecting the above.

2. **The environmental determination that adoption of the Housing Element is exempt from the California Environmental Quality Act (CEQA) is inappropriate.** The 11/22 draft’s commitment to specific zoning revisions as discussed in Item A .1 above allowing denser development will result in a variety of substantial adverse impacts as defined by CEQA, including but not limited to, conversion of pervious to impervious surfaces (increasing stormwater runoff and straining the capacity of the City’s already overtaxed storm sewer system), the architectural integrity of CEQA–defined historical resources (including historic districts and neighborhoods), and reductions in the urban tree canopy, impairing air quality and wildlife habitat.

However, it is our understanding that an Environmental Impact Report (EIR) will be prepared for the zoning amendments implementing the Housing Element, rather than for the Housing Element itself. Therefore, if the 11/22 draft language committing the City to specific zoning amendments is revised as recommended in Item A.1, the zoning amendment EIR can be relied on for CEQA purposes and the Housing Element’s environmental determination should therefore refer to the zoning amendment’s EIR as part of the Housing Element’s exemption determination.

See also the environmental review discussion regarding ministerial approval in Item A.3 below.

3. Action 3.4.3 states that, among other things, Action 3.4.8 will “create objective design review standards and... allow for streamlined ministerial approval”. However, Action 3.4.8 actually provides only for objective design standards and says nothing about ministerial approval. **The term “ministerial approval” needs to be explained.** It often means over the counter approval, with no public notification, review or appeal. But **there still needs to be public notification and review to help ensure that staff application of objective standards is performed correctly.** OHA reviews numerous design review applications and has found many cases where existing zoning standards and/or design review criteria were not applied correctly or fell through the cracks.

In addition, “ministerial approval” indicates that such projects are exempt from environmental review. Such projects if located in historic areas could adversely impact the architectural integrity of these areas, which would normally constitute a “significant effect” under CEQA. **Therefore, if no project level environmental review will be conducted for ministerial projects, the environmental impacts of such projects must be considered as part of the Housing Element** which enables the projects, or at least in conjunction with the zoning amendments to implement the Housing Element. **If no EIR or negative declaration will be prepared for the Housing Element, Housing Element provisions such as requiring ministerial approval of projects must be presented with sufficient generality and caveats to clearly communicate that these provisions are subject to the zoning amendments or other follow up regulatory action that receives environmental review.**

4. **Use alpha-numeric designations to facilitate reference, rather than bullets**, especially for provisions that are part of the Goal/Policy/Action statements such as Actions 3.4.1, 4.1.4 and 5.2.9.

B. Specific problematic provisions in Appendix J.

1. **Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.** For some zones, Appendix J proposes to replace the two-tiered system with a single overall height limit. Retaining the two-tiered system in residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.
2. In many residential zones, reductions in front setbacks are proposed. **Front setback reductions should not be applied if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise new development will literally “stick out” and architecturally disrupt the streetscape. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.
3. **Retain the conditional use permit requirements for projects with five or more regular units**, since projects with five or more regular units allowed by right are eligible for a density bonus under the State Density Bonus Law that can trigger waivers and concessions for height limits, setbacks and other standards, potentially resulting in architectural disruptions to existing neighborhoods. If more density is desired, provide it in the form of more accessory dwelling units (ADUs) (which don’t count toward the five unit bonus trigger), especially ADUs within existing buildings. Some or all of the ADUs could be designated as deed-restricted affordable, accomplishing the State Density Bonus Law objective.
4. **Table 2 – Commercial Zone Height Limits.** Retain existing height limits in Areas of Primary and Secondary Importance (APIs and ASIs). In most cases, the existing limits were structured to avoid out-of-scale new buildings.
5. **Figure 3 – Downtown Oakland Specific Plan (DOSP) proposed height changes.** This map essentially preempts the height limit discussion that has been ongoing for five years as part of the DOSP and is intimately tied into other important DOSP initiatives, such as the transferable development rights and zoning incentive programs. The Housing Element zoning amendments should defer to the DOSP regarding height limits within the DOSP area.
6. **Affordable Housing Overlay (AHO) zone.** It is good that the AHO zone would not apply to City, state and federal historic landmarks and the height additions would not apply to APIs. However, in addition, the AHO should not apply to APIs and ASIs, since the unlimited residential density provision will make all parcels eligible for the State Density Bonus Law. As discussed in Item B.3 above, this would enable greater heights

than otherwise allowed, incentivizing disruption of APIs and ASIs architecturally, and potentially incentivizing demolition.

If unlimited density is desired in APIs and ASIs as part of the AHO program, it should be limited within APIs and ASIs to units within existing buildings, at least in lower density zones, and to no more than four regular units per parcel, plus perhaps unlimited ADUs.

The AHO height changes for the DOSP area should be considered as part of the DOSP process, rather than as part of the Housing Element. The Housing Element can include a provision stating this.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523-0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835-1819 or Naomi@17th.com if you would like to discuss these comments.

Sincerely,



Mary Harper
President

Attachment: Marked-up pages from the 11-22 Draft Housing Element and Appendix J.

CC: William Gilchrist, Ed Manasse, General Plan Team, Lakshmi Rajagopalan, Audrey Lieberworth, Catherine Payne, Karen August, Betty Marvin, City Council, Landmarks Preservation Advisory Board

City of Oakland Housing Element Update: 2023-2031

The Oakland Housing Authority will continue targeting vouchers to support the development of extremely-low-income Housing through the award of project-based vouchers and/or other Oakland Housing Authority funds.

Responsible Agency: *Oakland Housing Authority*

Timeline: *Ongoing, 2023-2031*

Potential Funding Source: *Federal Section 8 vouchers, VASH vouchers, and/or other Oakland Housing Authority funds.*

Objective: *As vouchers or funds are available, at least 20 percent of units in assisted developments will be deed restricted as extremely-low-income.*

POLICY 3.2 CREATE A MORE DIVERSE MIX OF HOMES TO MEET COMMUNITY NEEDS

Action 3.2.1: Develop zoning standards to encourage missing middle and multi-unit housing types in currently single-family-dominated neighborhoods, including flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and ADUs.

The City will review and amend the Planning Code and implement objective design standards to encourage missing middle-density housing typologies, including flats, duplexes, multiplexes (triplexes, and fourplexes), bungalow courts, rowhouses/townhomes, and ADUs. The City will work to reduce pre-development costs and expedite the planning approval process for missing middle housing types resulting from both new construction and the conversion of existing structures.

The City will develop zoning standards that allow for two, three, and four units on parcels in Detached Unit Residential (RD) Zones and additional multi-unit housing types in Mixed Housing Type Residential (RM) Zones. The City will also ~~reduce~~ the minimum lot size in Detached Unit Residential and Mixed Housing Type Residential lots to 2,000 square feet to remove constraints on lot splitting. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility, neighborhood scale and potential opportunities for homeownership (split lots and condominiums) in parallel with Policy 3.4 and Policy 5.1. See Appendix J for a summary of missing middle zoning amendments.

Under Action 3.4.1, the City will revise development standards, including allowable building heights, densities, open space and setbacks requirements.

Under Action 3.4.8, the City will develop objective design standards at the neighborhood level to ensure that multi-unit neighborhood scale housing types designed in a manner that is compatible with the scale of existing residential housing forms in these zoning districts is permitted ministerially.

Responsible Party: *Oakland Planning & Building Department*

Potential Funding Source: *General Plan Surcharge and permit fees, SB2 Grant for Objective Design Standards*

Timeframe: *June - July 2023*

Consider reducing

possible

and architectural character

Potential Funding Source: *General Plan Surcharge and permit fees*

Timeline: *Mid-cycle (2027)*

Objective: *Identify and monitor adequate sites available for development, and increase the baseline of affordable units in high-resource areas.*

POLICY 3.4. REFORM ZONING AND LAND USE TO ADDRESS COMMUNITY PRIORITIES

Action 3.4.1: Revise development standards, including allowable building heights, densities, open space and setback requirements.

The City will allow additional building heights and densities in certain corridors and districts. These changes include:

- To the extent required by State law*
- **Zoning for diverse housing types:** *may* As discussed in Action 3.2.1, the City will develop revised zoning standards for a diversity of housing types in lower density neighborhoods, including but not limited to duplexes, triplexes, and fourplexes in zoning districts such as the RD Detached Unit Residential, RM Mixed Housing Type Residential, and RU-1 and RU-2 Urban Residential Zones. Zoning changes will include revised standards for building heights, densities, open space, lot coverage, and setbacks. The City will also reduce minimum lot sizes to facilitate the subdivision of existing lots. The City will permit a variety of building types (attached, detached, bungalow courts) to maximize flexibility and potential opportunities for home ownership (split lots and condominiums).
 - **Elimination of Conditional Use Permits for Density:** Under Action 3.4.3, the City will also eliminate all conditionally permitted densities throughout Planning Code to permit multi-unit buildings according to objective criteria such as by building type and development size, without subjecting multi-unit residential projects to CUPs.
 - **Objective Design Standards:** Under Action 3.4.8, the City will also develop objective design standards at the neighborhood level to ensure that such missing-middle housing is designed in a manner that is compatible with existing residential housing forms in these zoning districts.
 - **Increased Heights and Densities along Corridors:** The current building height map and permitted densities along key corridors such as International, Foothill, College, Claremont, and MacArthur Boulevards does not always allow residential projects to meet their full potential. Consistent with the housing sites map, the City will undertake zoning map revisions to allow increased heights and densities. The City will also increase heights and densities on interior residential streets within close walking distance of key corridors.
 - **Increased Heights and Densities in Transit-proximate areas:** Alongside efforts to increase missing-middle housing (see Action 3.2.1), the City will increase allowed height and density in areas in close proximity to high-capacity transit, including areas near Rockridge BART and International Boulevard BRT Stations.
 - **Increased Heights and Densities in Resource-rich areas:** Oakland's high resource neighborhoods are typically lower-density and have historically been exclusive – both economically and racially. Allowing higher density multi-unit buildings in these areas that are rich in services will help increase the competitiveness of affordable housing projects for State funding, as well as the feasibility of developing significant numbers of housing units within these neighborhoods. Zoning

changes ~~will~~ include permitting residential densities above 30 dwelling units per acre by right in designated areas for affordable housing projects and height increases along College and Claremont Avenue. This will help further fair housing objectives by increasing the availability of affordable housing, in high resource areas.

- **Utilizing Senate Bill 10 Provisions:** Under Senate Bill 10 (Weiner) provisions, the City will identify parcels located in transit-rich areas and/or in Racially Concentrated Areas of Affluence (RCAAs) to allow up to ten units of residential density and increased heights, and provide additional opportunity for infill housing within high-resource areas. *being considered*
- See Appendix J for the City's ~~proposed~~ rezoning changes to increase housing production capacity and unlock additional opportunities for affordable and "missing middle" housing in high-resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods such as Rockridge, Trestle Glen, and Crocker Highlands.

Responsible Agency: *Oakland Planning & Building Department*

Potential Funding Source: *General Plan Surcharge and permit fees*

Timeline: *June-July 2023*

Objective: *Reduce constraints to development to significantly increase production of housing to match housing need. Create additional opportunities for development along transit-rich areas and in urban infill sites to significantly increase production of housing to match housing need and to affirmatively further fair housing.*

Action 3.4.2: Study the Relationship Between Zoning and Racial Segregation as Part of the Phase 2 General Plan Update.

The City is updating the 2023-2031 Housing Element as part of a comprehensive update to the General Plan. The General Plan Update (GPU) is undertaken in two phases in order to meet deadlines mandated by State law. Phase 1 focuses on updates to the Housing and Safety Elements, as well as preparation of a Racial Equity Impact Analysis, Zoning Code and Map update, and creation of a new Environmental Justice (EJ) Element. Subsequently, Phase 2 will include the update of the Land Use and Transportation (LUTE) Element; Open Space, Conservation and Recreation (OSCAR) Element; Noise Element, and the creation of a new Infrastructure and Facilities Element which are slated to be completed by the end of 2025.

As part of the LUTE update, the City will study the impact of historic and contemporary zoning restrictions, especially single-family zoning, on ongoing patterns of racial segregation. Existing data on historic zoning patterns highlights the racial disparities in homeownership and rental patterns. The City will utilize this study to direct zoning changes in the LUTE as part of Phase 2 of the GPU.

Responsible Agency: *Oakland Planning & Building Department*

Potential Funding Source: *General Plan Surcharge and permit fees*

Timeline: *Study complete by mid-2025*

Objective: *Through this study, inform zoning and land use designation changes to promote inclusive, equitable and diverse housing patterns.*

Appendix J. Summary of Preliminary Draft Missing Middle, Other Planning Code Amendments, and Zoning Map Amendments to Facilitate More Housing Proposal

are currently proposed to

preliminary draft

As part of its Housing Action Plan, the City has identified several zoning reforms that would further increase housing production capacity and unlock additional opportunities for affordable and “missing middle” housing in high resource neighborhoods and affirmatively further fair housing by opening up exclusionary neighborhoods, and reducing the exposure to air pollution, toxic and other environmental hazards in environmental justice communities. Below is a summary of the proposed rezonings from the Housing Action Plan that will go to City Council for adoption in June/July of 2023. The proposed changes are also available as an interactive map and

PURPOSE

subject to revision based on further analysis and comments from the City Planning Commission, Landmarks Preservation Advisory Board, City Council and general public.

The proposed missing-middle and other related Planning Code amendments will encourage a diversity of housing types such as flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and accessory dwelling units (ADUs) in currently single-family-dominated neighborhoods, and along corridors, transit-proximate areas, and high resource neighborhoods and remove constraints on the development of housing. The City is also proposing two overlay zones:

1. Affordable Housing Overlay (AHO) Zone: The proposed Affordable Housing Overlay (AHO) Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households (as defined in California Government Health and Safety Code Sections 50093, 50105, and 50106 50052.5 and in Oakland Planning Code Section 17.107.020). By-right approvals for 100% affordable housing projects will apply in the AHO Zone.
2. Housing Sites Overlay Zone: The City is proposing through Action 3.4.10 to permit sites identified in the 4th and 5th RHNA cycles as part of the Housing Element’s Housing Sites Inventory (identified in Table C-26 in Appendix C) that build 20 percent or more of the units as affordable to lower-income households to be subject to by-right approval. In addition, the City will also look at ways to incentivize developers to build affordable housing on newly included sites identified through the 6th RHNA cycle in the Housing Sites Overlay. This could include by-right approval and/or other incentives to be further evaluated. All parcels within the Housing Sites Overlay Zone (whether they were in the 4th or 5th cycles or new in the 6th RHNA cycle), if redeveloped, will be required to be developed as a majority-residential use. A 100% non-residential use will not be allowed in this overlay.

The proposed missing-middle Planning Code amendments will:

- Reduce minimum lot size and setback standards where appropriate throughout the Planning Code to facilitate small lot development.

Exhibit 1: Missing Middle Code Package

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

Chapter 17.11 OS OPEN SPACE ZONING REGULATIONS

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

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

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

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

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

17.13.010 Title, intent, and description.

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

17.13.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.13.01: Permitted and Conditionally Permitted Activities

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

Limitations on Table 17.13.01:

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

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

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

17.13.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.13.02: Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.13.01:

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

17.13.050 Property development standards.

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

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Lot Dimensions					
Lot Width mean	100 ft.	100 ft.	90 ft.	45 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	43,560 sf.	25,000 sf.	12,000 sf.	6,500 sf. or 8,000 sf.	1, 2, 3
Maximum Density	1 primary dwelling unit per lot				4
<u>Maximum Permitted Residential Density</u>	<u>1 primary dwelling unit per lot</u>	<u>1 primary dwelling unit per lot</u>	<u>1 primary dwelling unit per lot</u>	<u>1 primary dwelling unit per lot;</u> <u>2 dwelling units on lots 8,000 sf. or greater</u>	<u>4, 18</u>
Minimum Setbacks					
Minimum front (≤20% street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	4, 5, 6, 17
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7, 17

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum interior side ≤20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	4, 8, 9, 17
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	4, 8, 9, 17
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	4, 5, 10, 17
Rear	35 ft.	35 ft. <u>30 ft.</u>	25 ft.	20 ft.	4, 7, 10, 11, 17
Maximum Lot Coverage and Floor Area Ratio (FAR)	See Table 17.13.04				
Height Regulations for All Lots with a Footprint Slope of ≤20%					
Maximum wall height primary building	25 ft.	25 ft.	25 ft.	25 ft.	4, 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	4, 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	4, 13, 14
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%				<u>4, 15</u>
Maximum Wall Length Before Articulation Required	40 ft.	40 ft.	40 ft.	40 ft.	<u>4, 15</u>
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				4, 16

Additional Regulations for Table 17.13.03:

6. In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback ~~may~~ shall be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection

of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot, or lot that has a one or more vacant parcels next to it, this same principle ~~may shall~~ apply if the ~~two (2) nearest non-vacant lots adjacent to each side of the corner lot, or to each side of a lot that has one or more vacant parcels next to it, has lot along its front lot line~~ have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03, [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

10. In all ~~Residential~~ RH Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half (½) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall only apply to the rear twenty (20) feet of the corner lot, and not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.13.03. [Additional Regulation 10], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots ~~and~~. See Section 17.108.130 for allowed projections into setbacks.

14. In all RH Zones, ~~if~~ if at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.

15. ~~If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback.~~ See design guidelines for more specific bulk ~~and context~~ standards.

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

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

Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

Sections:

17.15.010 Title, intent, and description.

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

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

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

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

17.15.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.15.01: Permitted and Conditionally Permitted Activities

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

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

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

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

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

Limitations on Table 17.15.01:

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

L2. These activities may only be located in an existing ~~ground floor of a Nonresidential Facility that was both built prior to the effective date of this Chapter (April 14, 2011).~~ For the purposes of this limitation, a facility is considered built existing if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

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

L5. These activities may only be located in an existing ~~ground floor of a Nonresidential Facility or on the ground floor of a new Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011).~~ For the purposes of this limitation, a facility is considered built existing if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor Nonresidential Facility

exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L6. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

17.15.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.15.02: Permitted and Conditionally Permitted Facilities

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

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

Limitations on Table 17.15.02:

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

L2. Sidewalk cafes are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. ~~No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure).~~ See

Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

17.15.050 Property development standards.

A. Zone Specific Standards. Table 17.15.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" indicates that a standard is not applicable in the specified zone.

Table 17.15.03: Property Development Standards

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

Development Standards	Zones		Additional Regulations
	<u>RD RD-1</u>	<u>RD-2</u>	
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8, <u>18</u> , 20
Minimum interior side <20% footprint slope	5 ft. <u>4 ft.</u>	5 ft.	9, 10, <u>18</u> , 20
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11, 20
Minimum street side	5 ft. <u>4 ft.</u>	5 ft.	8, 9, <u>11</u> , <u>18</u> , 42 , 20
Rear	20 ft. <u>10 ft.</u>	15 ft.	9, <u>12</u> , 13, <u>18</u> 14 , 20
Reduced Setbacks for Smaller Lots	See Table 17.15.04 for reduced setbacks for smaller lots <u>less than 3,000 square feet in size</u>		
<u>Maximum Floor Area Ratio (FAR) and Lot Coverage for 1 and 2 Units</u>	See Table 17.15.05 <u>for maximum FAR and lot coverage for 1 and 2 residential units, excluding any permitted Accessory Dwelling Units</u>		<u>19</u>
<u>Maximum Lot Coverage for 3 or More Units</u>	<u>60%</u>		<u>19</u>
Height Regulations for All Lots with a Footprint Slope of \leq20%			
Maximum wall height primary buildings	25 ft. <u>30 ft.</u>	25 ft.	<u>13</u> , 14, 15 , 46
Maximum pitched roof height primary buildings	30 ft. <u>35 ft.</u>	30 ft.	<u>13</u> , 14, 15 , 46
Maximum height for accessory structures	15 ft.	15 ft.	<u>13</u> , 14, 15 , 46
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.15.06 for Height regulations for all lots with a footprint slope of >20%		<u>15</u>
<u>Maximum Wall Length Before Articulation Required</u>	40 ft.	40 ft.	

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

Additional Regulations for Table 17.15.03:

~~5. A minimum lot size of six thousand (6,000) square feet is required in order to apply for a conditional use permit for a second primary dwelling unit in the RD-2 Zone. A conditional use permit for a Two-Family Dwelling Residential Facility or for two (2) primary dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit (CUP) procedure in Chapter 17.134 and to all of the following additional use permit criteria: In the RD Zone, proposals requiring Regular Design Review approval may only be granted upon determination that the proposal conforms to the Regular Design Review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional design review criteria:~~

~~a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to: density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;~~

~~**ab.** That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;~~

~~c. That the shape and siting of the facilities, and especially of any portions thereof which exceed one (1) story in height, are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;~~

~~**bd.** That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to ensure privacy;~~

~~e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.~~

6. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than ~~twenty (20) feet~~ the minimum required in this Chapter, the minimum front setback ~~may~~ shall be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, ~~provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet.~~ In the case of a corner lot, or lot that has a one or more vacant parcels next to it, this same principal ~~may~~ shall apply if the ~~two (2) nearest non-vacant lots adjacent to the each side of a corner lot, or to each side of a lot that has one or more vacant parcels next to it, lot along its front lot line~~ have less than a ~~twenty (20) foot front setback~~ the minimum required front setback in this Chapter (see Illustration for Table 17.15.03 [Additional Regulation 6], below).

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

11. ~~For the RD-1 Zone, the minimum interior side setback is the greater of the two (2) listed setbacks, either five (5) feet or ten percent (10%) of the lot width, whichever is greater.~~

1112. ~~In all Residential Zones~~ In the RD Zone, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall only apply to the rear ten (10) feet of the corner lot, and not be required to exceed ~~five (5)~~ four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.15.03 [Additional Regulation 12], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

1213. Wherever a rear lot line abuts an alley, one-half ($\frac{1}{2}$) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

1314. In the RD-4 Zone, for lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half ($\frac{1}{2}$) foot of rear setback depth for each additional one (1) foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of ~~forty (40)~~ twenty (20) feet.

1415. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

~~16. If at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any Variance, Conditional Use Permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.~~

~~1517. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design standards and guidelines for more specific bulk regulations and context standards.~~

~~1618. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapter 17.92 and Chapter 17.94.~~

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

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

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

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

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

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

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

B. Reduced Setbacks for Smaller Lots. Table 17.15.04 below prescribes reduced setback standards for lots less than ~~four thousand (4,000)~~ three thousand (3,000) square feet in size. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.15.04 Reduced Setbacks for Smaller Lots Less than 3,000 Square Feet

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

Additional Regulations for Table 17.15.04:

1. See Section 17.108.130 for allowed projections into setbacks.
2. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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

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

Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000 <u>6,000</u>	≥5,000 <u>6,000 and <12,000</u>	≥12,000 and <25,000	≥25,000 and <43,560	≥ 43,560	
Maximum FAR for Lots with a Footprint Slope > 20%	0.55	0.50	0.45	0.30	0.20	1
Maximum Lot Coverage (%)	40 <u>55</u> %	40 <u>45</u> %	30%	20%	15%	2

Additional Regulations for Table 17.15.05:

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

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

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

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

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

17.17.010 Title, intent, and description.

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

17.17.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.17.01: Permitted and Conditionally Permitted Activities

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

Activities	Primary <u>Base Zones</u>				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Extensive Impact	C	C	C	C	C	<u>17.102.44</u> <u>0</u>
Commercial Activities						
General Food Sales	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Full Service Restaurants	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Limited Service Restaurant and Cafe	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Medical Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5) (L7)	
General Retail Sales	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	P(L4)(L5)	
Consumer Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5) (L7)	
Consultative and Financial Service	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Consumer Cleaning and Repair Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4) <u>P(L4)(L9)</u>	P(L5)	
Administrative	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L5)	

Limitations on Table 17.17.01:

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

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

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

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

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

L5. ~~These activities may only be located in an existing Nonresidential Facility or on the ground floor of an existing or a new Nonresidential Facility, and may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility total floor area devoted to these activities on any single lot exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure). For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this amended Section.~~

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

L9. These activities may only be located in an existing ~~ground floor of a Nonresidential Facility~~ that was built prior to ~~the effective date of this Chapter (April 15, 2011)~~. For the purposes of this limitation, a facility is considered ~~built existing~~ if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this amended Section. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the total floor area devoted to these activities on any single lot ground floor Nonresidential Facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

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

17.17.040 Permitted and conditionally permitted facilities.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.17.02:

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

L2. Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. ~~No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure).~~ See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

17.17.050 Property development standards.

A. **Zone Specific Standards.** Table 17.17.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

Table 17.17.03: Property Development Standards

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

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

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum street side	5 ft. <u>4 ft.</u>	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.	1, 4, 7, 8, 10, <u>18</u> 20
Rear	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	11, <u>18</u> 20
Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet)	See Table 17.17.04 for reduced setbacks for smaller lots <u>less than 3,000 square feet in size</u>				
Maximum Floor Area Ratio (FAR) and Lot Coverage for 1 or <u>and</u> 2 Units	See Table 17.17.05 for maximum FAR and lot coverage for one or <u>and</u> two dwelling residential units, excluding any permitted Accessory Dwelling Units				<u>17, 19, 21</u>
Maximum Lot Coverage for 3 or More Units	N/A <u>60%</u>	40% <u>60%</u>	50% <u>60%</u>	N/A	<u>17, 19, 21</u>
Height Regulations for All Lots with a Footprint Slope of $\leq 20\%$					
Maximum wall height primary building	25 ft. <u>35 ft.</u>	25 ft. <u>35 ft.</u>	30 ft. <u>35 ft.</u>	35 ft.	12, 13, 14
Maximum pitched roof height primary building	30 ft. <u>35 ft.</u>	30 ft. <u>35 ft.</u>	30 ft. <u>35 ft.</u>	35 ft.	12, 13, 14
Maximum height for	15 ft.	15 ft.	15 ft.	15 ft.	12

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
accessory structures					
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	<u>2022</u>
Maximum Wall Length Before Articulation Required for all Lots with a Footprint Slope of > 20%	40 ft.	40 ft.	40 ft.	40 ft.	15
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<u>14, 15 46, 47</u>
Minimum Open Space					
Group open space per Regular Unit or Rooming Unit	300 sf. <u>75</u> sf.	300 sf. <u>75</u> sf.	200 sf. <u>75</u> sf.	175 sf. <u>75</u> sf.	<u>16 18</u>
Group open space per Regular Unit or Rooming Unit when private open space substituted	400 sf. <u>25</u> sf.	400 sf. <u>25</u> sf.	85 sf. <u>25</u> sf.	70 sf. <u>25</u> sf.	<u>16 19</u>

Additional Regulations for Table 17.17.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum lot width mean shall be reduced to twenty-five (25) feet and the minimum lot area shall be reduced to four thousand (4,000) square feet.

a. Also for the RM-2 Zone in the West Oakland District only, a conditional use permit to further reduce the minimum lot area from four thousand (4,000) square feet (as specific above) to two thousand five hundred (2,500) square feet and the minimum interior side and street side setbacks from four (4) feet (as specified in additional regulation 8. below) to three (3) feet may be granted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in, and to the following additional criteria:

i. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.

2. See Chapter 17.107 for affordable and senior housing incentives; and Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

3. See Chapter 17.136 for the applicable design review procedure. A Conditional Use Permit (CUP) for density may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the CUP procedure in Chapter 17.134. In addition, the CUP in the RM-1 and RM-2 Zones may only be granted upon determination that the proposal conforms to the following additional use permit criteria. In the RM-3 Zone, this CUP may only be granted upon determination that the proposal conforms to additional criteria a., d., and e.

a. That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors;

b. That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots;

c. That the shape and siting of the facilities are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood;

d. That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts;

~~e. That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.~~

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

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

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

~~a. Existing Commercial Facilities;~~

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

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

~~A side yard of the normally required minimum width in Table 17.17.03 shall be required for new construction or addition along any side lot line abutting except wherever an interior side lot line of any lot located in the C Combining Zone abuts an interior side lot line of any lot that is not located in a C Combining Zone or Commercial Zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of five (5) feet. (Where it abuts a rear lot line, no side yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.~~

~~8. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum interior side and street side setbacks for lots equal to or greater than four thousand (4,000) square feet shall be reduced to four (4) feet. See additional regulation 1. above for further reduced interior side and street side setbacks for the~~

~~RM-2 Zone in the West Oakland District only; and See Table 17.17.04 for general reduced setbacks for smaller lots, and See also Section 17.108.130 for allowed projections into setbacks.~~

10. In all ~~Residential~~ RM Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half (½) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall only apply to the rear ten (10) feet of the corner lot, and not be required to exceed ~~five (5)~~ four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. This regulation does not apply to lots within the C Combining Zone (see Illustration for Table 17.17.03 [Additional Regulation 10], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

~~**13.** In the RM-1 and RM-2 Zones, if at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.~~

~~**1314.** In the RM-2 Zone, the maximum pitched roof height may be increased to thirty-five (35) feet and maximum wall height may increase to thirty (30) feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). An increased wall height shall only be permitted in conjunction with a project with a pitched roof (a "pitched roof," as used in this Section, is defined as having a vertical to horizontal ratio of a minimum of four in twelve (4:12) slope). In addition to the criteria contained in Section 17.136.050, any proposed increase in roof height must also meet the following use permit criteria:~~

~~**a.** The additional pitched roof height is required to accommodate a roof form that is consistent with the historic context in the neighborhood; and~~

~~**b.** In conjunction with an increased pitched roof height, the additional wall height is required to accommodate a wall height that is consistent with the historic context in the neighborhood.~~

~~**15.** If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk regulations and context standards.~~

~~**1416.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapters 17.92 and 17.94.~~

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

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

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

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

1924. Lots less than ~~five thousand (5,000)~~ four thousand (4,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

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

B. Reduced Setbacks for Smaller Lots. Table 17.17.04 below prescribes reduced setback standards for lots less than ~~four thousand (4,000)~~ three thousand (3,000) square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.04 Reduced Setbacks for Smaller Lots (~~Less than Four Thousand (4,000)~~ 3,000 Square Feet)

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

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

Additional Regulations for Table 17.17.04:

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

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

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

A side yard of the normally required minimum width in Table 17.17.04 shall be required for new construction or addition along any side lot line abutting an interior side lot line of any lot that is not located in a C Combining Zone or Commercial Zone. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.

~~No front or side setbacks are required for Commercial Facilities in the C Combining Zone except wherever an interior side lot line of any lot located in the C Combining Zone abuts an interior side lot line of any lot that is not located in a C Combining Zone or Commercial Zone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of four (4) feet for lots less than 4,000 sf. and a minimum width of three (3) feet for lots equal to or less than 3,000 sf. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.~~

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

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

Regulation	Lot Size in Square Feet	
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	<5,000 <u>6,000</u>	≥5,000 <u>6,000</u> and <12,000	≥12,000 and <25,000	≥25,000 and <43,560	≥43,560	Additional Regulations
Maximum FAR for Lots with a Footprint Slope >20%	0.55	0.50	0.45	0.30	0.20	1, 2
Maximum Lot Coverage (%)	40% <u>55%</u>	40% <u>45%</u>	30%	20%	15%	2, 3

Additional Regulations for Table 17.17.05:

1. Maximum Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty percent (20%). Lots less than ~~five thousand (5,000)~~ four thousand (4,000) square feet may have a minimum of two thousand (2,000) square feet of floor area, regardless of FAR listed.
2. Regulation does not apply in the C Combining Zone.
3. Lots less than ~~five thousand (5,000)~~ four thousand (4,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

17.17.070 Other zoning provisions.

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

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

17.19.010 Title, intent, and description.

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

17.19.030 Permitted and conditionally permitted activities.

Table 17.19.01: Permitted and Conditionally Permitted Activities

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

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Limited Service Restaurant and Cafe	C(L6)(L7)	C(L6)(L7)	C(L6)(L7) P(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Convenience Market	—	—	—	<u>C(L4)</u>	C(L5)	<u>17.103.030</u>
Administrative	P(L7)(L1 2)	P(L7)(L1 2)	P(L7)(L9)(L 12)	P(L3)(L4)	P(L3)(L5)	
Business, Communication, and Media Services	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L2) (L4)	P(L3)(L5)	
Research Service	<u>P(L7)(L1 2)</u>	<u>P(L7)(L1 2)</u>	<u>P(L7)(L9)</u>	P(L3)(L4)	P(L3)(L5)	

Limitations on Table 17.19.01:

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

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

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

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

~~existing Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built-existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this amended Section.~~

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

L6. In the RU-1, RU-2, and RU-3 Zones, these activities may only be located in an existing ~~ground floor of a Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011).~~ For the purposes of this limitation, a facility is considered built-existing if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

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

L9. These activities may only be located in an existing ~~ground floor of a Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011).~~ For the purposes of this limitation, a facility is considered built-existing if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; ~~a~~ A Conditional Use Permit (CUP) is required if the facility total floor area devoted to these activities on any single lot exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

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

L12. These activities may only be located in an existing ~~ground floor of a Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011).~~ For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; ~~a~~ Conditional Use Permit is required if the facility total floor area devoted to these activities on any single lot exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

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

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

17.19.040 Permitted and conditionally permitted facilities.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.19.02:

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

L4. Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. ~~No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see, for the CUP procedure).~~ See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

17.19.050 Property development standards.

A. Zone Specific Standards. Table 17.19.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates a standard is not applicable to the specified zone.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum Lot Dimensions						
Lot Width mean	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf. <u>2,500 sf.</u>	4,000 sf. <u>2,500 sf.</u>	4,000 sf.	4,000 sf.	4,000 sf.	1
Maximum Residential Density						
Permitted density for Regular Dwelling Units	1 unit per 4,100 sf. <u>1,000 sf.</u> of lot area	1 unit per 800 sf. <u>750 sf.</u> of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	2
Permitted density for Rooming Units	N/A 1 unit per <u>1,000 sf.</u> of lot area	1 unit per 800 sf. <u>750 sf.</u> of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	
Permitted density for Efficiency Dwelling Units	N/A 1 unit per <u>1,000 sf.</u> of lot area	1 unit per 800 sf. <u>750 sf.</u> of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	
Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet						
Minimum front ($\leq 20\%$ street-to-setback gradient) for Residential Facilities	15 ft.	10 ft.	10 ft.	5 ft.	0 ft.	3, 4, <u>5</u> , 6, 20
Minimum front ($> 20\%$ street-to-setback gradient) for Residential Facilities	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3, 4, <u>5</u> , 6, 20
Minimum front for Commercial Facilities	15 ft. <u>10 ft.</u>	10 ft.	40 ft. <u>5 ft.</u>	0 ft.	0 ft.	3, 20

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum interior side	4 ft.	4 ft.	0 ft. <u>3 ft.</u>	0 ft.	0 ft.	3, 7, 8, 20
Minimum street side	4 ft.	4 ft.	4 ft. <u>3 ft.</u>	0 ft.	0 ft.	3, 4, 7, 9, 20
Rear (Residential Facilities)	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	10 / 15 ft.	10 / 15 ft.	3, 7, 10, 11, 20
Rear (Nonresidential Facilities)	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	15 ft. <u>10 ft.</u>	0/10/ 15 ft.	0/10/ 15 ft.	3, 10, 11
Reduced Setbacks for Smaller Lots (<u>Less than 3,000 Square Feet</u>) < 3,000 sf. or < 35 ft. wide						
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A	3, 8, 20
Minimum street side	3 ft.	3 ft.	3 ft. <u>N/A</u>	N/A	N/A	3, 4, 8, 20
Height Regulations						
Minimum height of ground floor Nonresidential Facilities	N/A <u>15 ft.</u>	N/A <u>15 ft.</u>	N/A <u>15 ft.</u>	15 ft.	15 ft.	12
Minimum separation between the grade and ground floor living space	N/A	N/A	N/A	N/A 2.5 ft.	2.5 ft.	13
Maximum height primary building	40 ft. <u>45 ft.</u>	50 ft. <u>55 ft.</u>	60 ft. <u>65 ft.</u>	See Table 17.19.04	See Table 17.19.04	14, 15
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	See Table 17.19.04	See Table 17.19.04	
Minimum Usable Open Space						

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

Additional Regulations for Table 17.19.03:

5. In the RU-1 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than ~~fifteen (15) feet~~ the minimum required in this Chapter, the minimum front setback ~~may~~ shall be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot, or lot that has ~~a vacant parcel~~ one or more vacant parcels next to it, this same principal ~~may~~ shall apply if the ~~two (2) lots adjacent to the corner lot~~ nearest non-vacant lot to each side of a corner lot, or lot along its front line to each side of a lot that has one or more vacant parcels next to it, have less than ~~a fifteen (15) foot~~ the minimum front setback required in this Chapter (see

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

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

8. Wherever an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 Zone abuts an interior side lot line of any lot located in an RH or RD Zone, ~~the setback of the abutting portion of its side lot line is ten (10) feet~~ a side setback of six (6) feet is required. In the case where an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 Zone abuts an interior side lot line in an RM or RU-1 Zone, ~~the setback of the abutting portion of its side lot line is five (5) feet~~. ~~In the case where an interior side lot line in an RU-3, RU-4, or RU-5 lot abuts a side yard of an RU-1 or RU-2 lot,~~ a side setback of four (4) feet is required (see Illustration for Table 17.19.03 [Additional Regulation 8] below).

9. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~twenty (20)~~ ten (10) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot (see Illustration for Table 17.19.03 [Additional Regulation 9], below).

11. When a rear lot line in the RU-4 or RU-5 Zones is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet ~~if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet~~. When a rear lot line of a lot in these zones is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

12. This height is only required for new principal buildings with ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the ~~ground floor ceiling~~ second story floor.

13. This regulation only applies to new Residential Facilities and ground floor living space located within fifteen (15) feet of a street frontage.

14. Buildings in the RU Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height may shall increase one (1) foot for every foot of distance from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.19.03 [Additional Regulation 14], below). Also, see Section 17.108.030 for allowed

projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

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

B. **Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only.** Table 17.19.04 below prescribes height, FAR, intensity, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

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

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

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

Additional Regulations for Table 17.19.04:

2. Buildings in the RU Zones shall have a thirty (30) foot maximum height at the setback line along any rear or interior side lot line that abuts a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height may increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

~~5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects.~~

17.19.060 Special regulations for Planned Unit Developments.

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

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

17.19.070 Other zoning provisions.

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

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

17.30.010 Title, purpose, and applicability.

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

17.30.050 Permitted activities.

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

A. **Residential Activities:**

Permanent

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

Supportive Housing

Transitional Housing

Semi-Transient

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

B. **Civic Activities:**

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

Essential Service

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Telecommunications

C. **Commercial Activities:**

Full Service Restaurant

Limited Service Restaurant and Cafe

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

Personal Instruction and Improvement Services

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

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

DG. Agricultural and Extractive Activities:

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

17.30.060 Conditionally permitted activities.

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

A. Residential Activities:

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

AB. Civic Activities:

Administrative
Health Care
Utility and Vehicular
Extensive Impact

BG. Commercial Activities:

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

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

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

CD. Agricultural and Extractive Activities:

Extensive Agriculture, with additional use permit criteria that the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic

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

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

17.30.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

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

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

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

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

~~Restaurant and Cafe, Convenience Market, Fast Food Restaurant, Alcoholic Beverage Sales, or Consumer Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and that the proposed activities are intended primarily to serve residents of the facility within which the activities are to be located. See also Section 17.103.030.~~

~~B. Consultative and Financial Service. A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:~~

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

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

17.30.140 Maximum residential density.

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

A. Permitted Density.

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

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

1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;

2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

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

17.30.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of ~~one hundred fifty (150)~~ seventy-five (75) square feet per Regular Dwelling Unit plus ~~seventy-five (75)~~ thirty-eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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

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

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

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

Chapter 17.94 S-12 RESIDENTIAL PARKING COMBINING ZONE REGULATIONS

17.94.010 Title, purpose, and applicability.

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

17.94.030 Activities to which S-12 Zone regulations apply.

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

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

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

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

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

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

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

17.94.050 Standards for provided required parking facilities.

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

17.94.060 Parking spaces.

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

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

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

- ~~1. The parking spaces are required by Section 17.94.040; and~~
12. There is no other feasible way to provide the required parking; and
23. The applicable requirements of the buffering regulations in Chapter 17.110 are met; ~~and~~
- ~~4. If the facility contains three (3) or more dwelling units, criteria 11 through 16 of the design review criteria for high density housing, pertaining to pedestrian entries, auto entries, landscaping, and accessories, are fully satisfied.~~

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

1. At least one (1) independent parking space shall be permanently assigned to each dwelling unit in the facility; and
2. For each pair of tandem spaces, both the independent space and the dependent space shall be permanently assigned to the same dwelling unit; and

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

17.94.070 Maneuvering aisles.

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

17.94.080 Driveways.

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

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

17.94.090 Other dimensional requirements.

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

~~17.94.100 On-street parking regulations.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.94.110 Alternate parking layouts.

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

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

17.94.120 Review and approval by City Traffic Engineer.

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

17.94.130 Exceptions, ~~variances,~~ and appeals.

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

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

17.99.030 Definitions.

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

Usable open space categories shall be defined as follows:

B. **Public Ground-Floor-Level Plaza.** Public ground-floor-level plazas (plazas) are group usable open space located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.

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

17.99.040 Permitted categories of usable open space.

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

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

17.99.050 Usable open space standards for residential development.

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

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

C. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

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

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

When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

F. **Accessibility.** Usable open space, other than private usable open space and off-site open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot ~~except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line.~~ Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

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

17.99.060 Landscaping requirements.

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

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

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

17.101A.020 Permitted and conditionally permitted activities.

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

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

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

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

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

Table 17.101A.01: Permitted and Conditionally Permitted Activities

Activities	Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Residential Activities										
Emergency Shelter	P(L1)	P(L1)	P(L1)	P(L1)	—	P(L1)	P(L1)	P(L1)	—	17.103.010 17.103.015
Industrial Activities										
Custom Manufacturing	—	P(L16)	—	C	C	C	—	P(L16)	—	

Limitations on Table 17.101A.01:

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

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

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

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

17.116.020 Effect on new and existing uses.

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

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

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

17.116.060 Off-street parking—Residential Activities.

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

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

Residential Facility Type	Zone	Total Required Parking
One-Family Dwelling.	RH Zones, except when combined with the S-12 <u>S-9 or S-11 Zone.</u>	Two (2) spaces for each dwelling unit, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u> ; however, when combined with the S-11 Zone , the requirement is one (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	<u>RH Zones combined with the S-9 or S-11 Zone.</u>	One (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
	CBD, S-2, S-15, D-CO-1, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	S-15 and D-CO-2 and D-CO-4 Zones, except when combined with the S-12 Zone.	One-half (½)-space for <u>each dwelling unit, except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
	Any zone combined with the S-12 Zone.	See Section 17.94.040.

Residential Facility Type	Zone	Total Required Parking
Accessory Dwelling Unit (in conjunction with One-Family, Two- to Four-Family, or Multifamily Dwelling).	CBD, S-2, S-15, <u>D-CO-1</u> , and D-LM Zones, except when combined with the <u>S-9 or S-11 or S-12</u> Zone.	No additional spaces required for the Accessory Dwelling Unit.
	Any other zone <u>All other zones</u> (including any zone combined with the <u>S-9 or S-11 or S-12</u> Zone).	One (1) space for each Accessory Dwelling Unit, except that no additional parking shall be required if located as specified in Section 17.103.080.
Two- to Four-Family Dwelling. Multifamily Dwelling.	CBD, S-2, S-15, D-CO-1, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
	All other zones. D-BV-1, D-BV-2, S-15, and D-CO Zones, except when combined with the S-12 Zone.	One-half (1/2) space for each dwelling unit, <u>except that no parking shall be required if located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code.</u>
	D-BV-3 and D-BV-4 Zones, except when combined with the S-12 Zone.	Three-quarters (3/4) space for each dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Rooming House.	CBD, S-2, <u>S-15, D-CO-1</u> , D-LM, D-BV-1, and D-BV-2 Zones.	No spaces required for Rooming Units.

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

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

Residential Facility Type	Zone	Maximum Number of Parking Spaces
One-Family Dwelling.	<u>S-15 and D-CO-1 Zones.</u>	<u>One-half (1/2) space for each dwelling unit.</u>
Two- to Four-Family Dwelling.	CBD, S-2, S-15, <u>and</u> D-LM, and D-CO Zones.	One and one-quarter (1 1/4) parking spaces <u>Three-quarters (3/4) space per dwelling unit.</u>

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

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

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

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

17.116.070 Off-street parking—Civic Activities.

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

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Total Required Parking
A. Essential Service and Limited Childcare.	All zones.	—	No spaces required.
B. Community Assembly and Recreational Assembly: <ul style="list-style-type: none"> • Playgrounds and playing fields; • Concessions located in public parks; • Temporary nonprofit festivals; • Private non-profit clubs and lodges. 	All zones.	—	No spaces required.
Churches and all other.	CBD-P, CBD-C, CBD-X, S-2, and D-LM-2 through D-LM-5 Zones.	—	No spaces required.
	S-15 and D-CO Zones.	—	No spaces required. A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

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

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

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

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

17.116.080 Off-street parking—Commercial Activities.

A. Minimum Parking for Commercial Activities.

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

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

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

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

17.116.090 Off-street parking—Industrial Activities.

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

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

17.116.100 Off-street parking—Agricultural and Extractive Activities.

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

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

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

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

A. Car-Share Parking Spaces.

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

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

17.116.110 Special parking exemptions and reductions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The parking requirements for the D-BV Zones may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.

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

17.116.130 Off-street loading—Civic Activities.

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

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

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

17.116.140 Off-street loading—Commercial Activities.

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

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

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

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

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

17.116.150 Off-street loading—Industrial Activities.

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

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

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

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

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

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

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

17.116.180 Conditions for off-street parking or loading.

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

17.116.200 Parking space dimensions.

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

17.116.220 Loading berth dimensions.

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

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

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

17.116.240 Tandem spaces and berths.

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

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

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

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

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

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;

2. That there are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

17.116.290 - Special requirements applying in some zones.

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

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

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

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

~~23. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas may only be permitted upon the granting of a conditional use permit~~ Conditional Use Permit ~~pursuant to the conditional use permit~~ Conditional Use Permit ~~procedures in Chapter 17.134 and Section 17.100.100.~~

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

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

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

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

17.116.310 Unbundled Parking.

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

Chapter 17.117 BICYCLE PARKING REQUIREMENTS

17.117.090 Required bicycle parking—Residential Activities.

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

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

17.117.150 Automobile parking credit.

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

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

Exhibit 2: AFFORDABLE HOUSING OVERLAY AND HOUSING SITES OVERLAY

The Oakland Planning Code (Title 17 of the Oakland Municipal Code is proposed to be amended as follows. Additions are shown in underline.

Chapter 17.95 S-13 AFFORDABLE HOUSING COMBINING ZONE REGULATIONS

Sections:

17.95.010 Title, Purpose and Applicability.

17.95.020 Affordability Requirements

17.95.030 Definitions

17.95.040 Zones with which the S-13 Zone may be combined.

17.95.050 Exemptions from the S-13 Zone.

17.95.060 Required Design Review Process.

17.95.070 Property Development standards.

17.95.080 Additional Incentives.

17.95.010 Title, Purpose and Applicability.

The provisions of this Chapter shall be known as the S-13 Affordable Housing Combining Zone Regulations. The Affordable Housing Combining (S-13) Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households, (as defined in California Government Health and Safety Code Sections 50093, 50105, and 50106 50052.5 and in Oakland Planning Code Section 17.107.020). These regulations shall apply in the S-13 Zone and are supplementary to the regulations applying in the zones with which the S-13 Zone is combined. Where conflict between the standards set forth in the S-13 Zone and the underlying zoning district exists, the provisions in this chapter shall govern for qualifying developments.

The S-13 Zone is an optional program and applicants not opting to use the S-13 Zone provisions shall not be subjected to the standards set forth in this chapter. The provisions in this Chapter are distinguished from, and are mutually exclusive of, other development bonuses available pursuant to Chapter 17.107 - Density Bonus and Incentive Procedure. Developers may apply to utilize either the provisions under Chapter 17.107 or this chapter, but not both.

The purpose of the S-13 Zone is to allow a bonus height for eligible affordable housing projects, as well as relaxation of other listed development standards for applicable zones and an elimination of any maximum residential density standards. One hundred percent (100%) affordable housing projects in the S-13 Zone shall be permitted by-right if it meets all the standards set forth in this chapter in place of the requirements otherwise applicable in the base zones. Any development not meeting all of the standards set forth in the S-13 Zone shall be subject to the requirements otherwise applicable in the underlying zoning district.

17.95.020 Affordability Thresholds

By-right approval under the S-13 Zone shall only apply to one hundred percent (100%) affordable housing projects restricted to extremely low, very low, low, and/or moderate-income households, (as defined in California Government Health and Safety Code Sections 50093, 50105, and 50106 50052.5 and in Oakland Planning Code Section 17.09.040 and 17.107.020).

Projects proposing to utilize the provisions in this chapter on a parcel less than fifteen thousand (15,000) square feet must provide affordable housing units that meet one or more of the following criteria:

- (A) At least twenty percent (20%) of the housing units are restricted to very low-income or lower income households.
- (B) At least twenty percent (20%) of the housing units are restricted to moderate-income households.

17.95.030 Definitions.

The following definitions shall apply to this chapter only:

By Right Approval. "By Right Approval" shall mean a ministerial approval process in which the following apply:

- (A) The City shall not require a Conditional Use Permit, Planned Unit Development permit, or other discretionary permit of any kind. The project will not require a discretionary permit and thus will not be subject to review under the California Environmental Quality Act.
- (B) The City shall not exercise any subjective judgment in deciding whether and how to carry out or approve the project and shall apply property development standards and objective design review standards applicable to the underlying zoning designation and this S-13 Combining Zone only. The City shall maintain a list of publicly available applicable objective design review standards that may be amended from time to time.
- (C) The project shall not be subject to a public hearing of any type, and there shall be no right of appeal. However, an applicant may request at its sole discretion review before the Design Review Committee of the Planning Commission.
- (D) The City shall not impose any notice requirements on the project.
- (E) The project shall be subject to any applicable City of Oakland standard conditions of approval, which shall be identified along with the decision letter issued for the project.
- (F) The project must demonstrate consistency with the Oakland Equitable Climate Action Plan (ECAP) through completion of an ECAP Consistency Checklist submitted concurrently with the development application.

Incentive. "Incentive" has the same meaning as provided in California Government Code Section 65915 and shall mean a reduction in site development standards, or a modification to a requirement of the Oakland Planning Code so long as the requested reduction or modification both exceeds the minimum building standards approved by the California Building Standards Commission that would otherwise be required and results in identifiable and actual cost

reductions to provide for affordable rent or affordable housing costs. Incentives do not include the provision of direct financial incentives for the housing development, including the provision of City-owned land or the waiver of fees or dedication requirements, the modification of any City of Oakland Standard Conditions of Approval, or modification of any mitigation measures required by the California Environmental Quality Act.

17.95.040 Zones with which the S-13 Zone may be combined.

The S-13 Zone may be combined with any residential or commercial zone, except S-9 as shown on the city zoning map.

17.95.050 Exemptions from the S-13 Zone.

The following are exempt from the S-13 Zone and these regulations do not apply to them:

- A. Parcels in the S-9 Fire Safety Protection Combining Zone;
- B. Parcels with Designated City, State, and Federal Historic Landmarks;
- C. Parcels in Historic Districts that are designated Areas of Primary Importance (API) as of the adoption date of the 2023-2031 Housing Element (January 31, 2023) are exempt from the higher height limit allowance, but one hundred percent (100%) affordable housing developments shall not be subject to a density requirement. The development must still meet the height, setback, and maximum lot coverage requirements in the underlying zoning district, and any existing structure cannot be demolished as part of a qualifying project. The development must also meet the applicable objective design review standards for historic buildings.

17.95.060 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, Potential 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 ministerial 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.

17.95.070 Property Development Standards.

The S-13 Zone shall apply as shown on the city zoning map. When an applicant or developer elects to utilize the S-13 Zone for one hundred percent (100%) affordable deed-restricted housing developments, the development standards prescribed in Table 17.95.01 shall apply. Where conflict between the standards set forth in the S-13 Zone and the underlying zoning district exists, the provisions in this chapter shall govern for qualifying developments.

Table 17.95.01 Property Development Standards within the S-13 Affordable Housing Combining Zone

<u>Development Standards</u>	
<u>Permitted Density</u>	<u>Unlimited residential density that fits within the allowed building envelope of new or existing structures.</u>
<u>Rear Setback</u>	<u>Ten (10) feet.</u>
<u>Maximum Lot Coverage</u>	<u>Seventy percent (70%) or whatever is allowed in the base zone, whichever is higher.</u>
<u>Height Regulations for all lots with a footprint slope of ≤ 20%</u>	<u>Two (2) additional stories above the maximum permitted building height in the base zone.</u>
<u>Height Regulations for lots equal to or greater than 12,000 square feet</u>	<u>Sixty-five (65) feet or two (2) additional stories above maximum permitted building height in the base zone, whichever is higher.</u>
<u>Minimum Parking</u>	<u>No minimum parking requirements.</u>

17.95.080 Additional Incentives.

In addition to the automatic relaxation of property development standards as described in Section 17.95.070, an applicant utilizing the By Right Approval under this chapter for a qualifying affordable housing project may submit to the city a proposal for up to three additional development incentives that contribute significantly to the economic feasibility of the construction of affordable housing. The requested incentive(s) shall not pertain to the allowable height or setbacks of the proposal but may otherwise pertain to any applicable objective development standard in the Planning Code. The applicant must include in the incentive proposal documentation that the granting of the incentive provides identifiable and actual cost reductions to the project. Incentive requests complying with the requirements of this section shall be granted unless the City establishes that the incentive would have a specific adverse impact on public health and safety or would be contrary to state or federal law.

Chapter 17.96 S-14 HOUSING SITES COMBINING ZONE REGULATIONS

Sections:

17.96.010 Title, Purpose and Applicability.

17.96.020 Definitions.

17.96.030 Zones with which the S-14 Zone may be combined.

17.96.040 Required Majority Residential Use.

17.96.050 Minimum Densities.

17.96.060 By Right Approval for Sites Identified in Prior Housing Element Cycles.

17.96.070 By Right Approval for Sites not Identified in Prior Housing Elements.

17.96.080 Required Design Review Process.

17.96.010 Title, Purpose and Applicability.

The provisions of this Chapter shall be known as the S-14 Housing Sites Combining Zone Regulations. The Housing Sites Combining (S-14) Zone is intended to facilitate housing production on those sites that the City identified for housing pursuant to the 2023-2031 Housing Element. The S-14 Zone seeks to ensure that sites within the S-14 Zone are developed with residential uses; and that projects that contribute toward meeting Oakland's needs for lower income housing receive By Right Approval. These regulations shall apply in the S-14 Zone and where so stated herein shall supersede the regulations applying in the zones with which the S-14 Zone is combined.

17.96.020 Definitions.

The following definitions shall apply to this Chapter only.

By Right Approval. "By Right Approval" shall mean a ministerial approval process in which the following apply:

- A. The City shall not require a Conditional Use Permit, Planned Unit Development permit, or other discretionary permit of any kind. The project will not require a discretionary permit and thus will not be subject to review under the California Environmental Quality Act.
- B. The City shall not exercise any subjective judgment in deciding whether and how to carry out or approve the project and shall apply property development standards and objective design review standards applicable to the underlying zoning designation and this S-13 Combining Zone only. The City shall maintain a list of publicly available applicable objective design review standards that may be amended from time to time.
- C. The project shall not be subject to a public hearing of any type, and there shall be no right of appeal. However, an applicant may request at its sole discretion review before the Design Review Committee of the Planning Commission.
- D. The City shall not impose any notice requirements on the project.
- E. The project shall be subject to any applicable City of Oakland standard conditions of approval, which shall be identified along with the decision letter issued for the project.
- F. The project must demonstrate consistency with the Oakland Equitable Climate Action Plan (ECAP) through completion of an ECAP Consistency Checklist submitted concurrently with the development application.

Housing Sites Inventory. “Housing Sites Inventory” shall mean Table C-26 included in Appendix C of the City of Oakland 2023-2031 Housing Element.

Majority Residential Use. “Majority Residential Use” shall mean a use consisting of residential units only, mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential activity, or transitional or supportive housing.

Prior Housing Element Sites. “Prior Housing Element Sites” shall mean those sites included in the Housing Sites Inventory and also included in the previously adopted 2007-2014 or 2015-2023 Housing Elements, as identified in column O of Table C-26 of the City of Oakland 2023-2031 Housing Element as either “Used in Prior Housing Element – Non-Vacant” or “Used in Two Consecutive Prior Housing Elements – Vacant.”

17.96.030 Zones with which the S-14 Zone may be combined.

The S-14 Zone may be combined with any other zone. The S-14 Zone shall apply to all parcels identified in the Housing Sites Inventory, with specified sections applicable to Prior Housing Element Sites.

The City shall maintain a mapping resource of parcels included in the Housing Sites Inventory, including Prior Housing Element Sites, that will be available to the public. However, the Housing Sites Inventory included in the 2023-2031 Housing Element shall be the definitive source for determining whether a parcel is included within the S-14 Zone.

17.96.040 Required Majority Residential Use.

All development projects proposed in the S-14 Zone must be a Majority Residential Use. Any development project proposed in the S-14 Zone not providing a Majority Residential Use shall not be permitted.

17.96.050 Minimum Densities.

All development projects proposed in the S-14 Zone must comply with the minimum residential density requirements described in this section. Any project proposed in the S-14 Zone not providing the minimum required residential density shall not be permitted.

All projects proposed in the S-14 Zone shall include a residential unit count that equals no less than seventy-five percent (75%) of the realistic capacity designated for the site as shown in Column S of the Housing Sites Inventory.

Notwithstanding the above, a proposed development in which one hundred percent (100%) of the residential units are reserved for moderate-, low-, and very low-income households may propose a residential unit count that is less than seventy-five percent (75%) of the realistic capacity designated for the site so long as the residential unit count equals no less than one hundred percent (100%) of the lower income capacity for the site as shown in Column P of the Housing Sites Inventory.

17.96.060 By Right Approval for Prior Housing Element Sites.

If a project is proposed on a Prior Housing Element Sites parcel and at least twenty percent (20%) of the project's units will be made available to lower income households, the project shall be subject to By Right Approval.

17.96.070 By Right Approval for Sites not used in Prior Housing Elements.

If a project is proposed on a parcel included in the Housing Sites Inventory and is not a Prior Housing Element Sites parcel, the project shall be subject to By Right Approval if, for each income category, the project proposes at least as many units as described as the realistic capacity for the parcel, and at least one of the following conditions applies:

- A. One hundred percent (100%) of the housing units, other than manager's units, are restricted to very low, low and moderate-income residents;
- B. At least twenty percent (20%) of the housing units are restricted to very low-income households;
- C. At least twenty-five percent (25%) of the housing units are restricted to lower income household;
- D. At least forty percent (40%) of the housing units are restricted to moderate-income households.

For purposes of determining if the project proposes at least as many units as described as the realistic capacity for the parcel, the project may satisfy the requirement for low-income designations by providing units restricted to very low-income households, may satisfy the requirements for moderate-income designations by providing units restricted to very low- and low-income households, and may satisfy the requirements for above moderate-income units by providing very low-, low-, or moderate-income units, as listed above.

17.96.080 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, Potential 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 ministerial 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.

**Exhibit 3:
Industrial Zones Package**

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

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

17.72.030 Permitted and conditionally permitted activities.

Table 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Civic Activities				
Limited Child-Care Activities	P <u>C(L17)</u>	P <u>C(L17)</u>	P <u>C(L17)</u>	
Community Education	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	
Nonassembly Cultural	P	P	P	
Utility and Vehicular	C	P(L4) <u>C</u>	P(L4)	
Extensive Impact	C	C	C	<u>17.102.440</u>
Commercial Activities				
Convenience Market	C	P <u>C</u>	P <u>C</u>	17.103.030
Medical Service	P(L2)	<u>P(L2)</u>	<u>P(L2)</u>	
Group Assembly	<u>P(L7)</u>	G(L7) <u>P(L7)</u>	G(L7) <u>P(L7)</u>	
Personal Instruction and Improvement Services	<u>P(L7)</u>	G(L7) <u>P(L7)</u>	G(L7) <u>P(L7)</u>	

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Building Material Sales	€ <u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	
Automobile and Other Light Vehicle Sales and Rental	<u>P(L9)</u>	C	<u>P(L9)</u>	
Automobile and Other Light Vehicle Gas Station and Servicing	C(L8)	<u>P(L8)(L9)</u>	<u>P(L8)(L9)</u>	
Automobile and Other Light Vehicle Repair and Cleaning	<u>P(L8)(L9)</u>	<u>P(L8)(L9)</u>	<u>P(L8)(L9)</u>	
Taxi and Light Fleet-Based Services	C	<u>P(L9)</u>	<u>P(L9)</u>	
Industrial Activities				
Custom Manufacturing	<u>P(L9)</u>	P	P	
Light Manufacturing	<u>P(L9)(L10)</u>	<u>P(L9)</u>	<u>P(L9)</u>	
General Manufacturing	<u>C(L9)(L10)</u>	<u>C(L9)(L10)</u>	<u>C(L9)(L10)</u>	<u>17.103.065</u>
Heavy/High Impact	—	—	€ =	
Research and Development	€ <u>P</u>	€ <u>P</u>	P	
Construction Operations	<u>C(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>17.103.065</u>
Warehousing, Storage, and Distribution-Related				
A. General Warehousing, Storage and Distribution	<u>C(L9)</u>	<u>P(L9)(L19)</u>	<u>P(L9)(L19)</u>	<u>17.103.065</u>
B. General Outdoor Storage	C	<u>P(L9)</u>	<u>P(L9)</u>	
C. Self- or Mini-Storage	<u>P</u> <u>C(L17)</u>	<u>P</u> <u>C(L17)</u>	<u>P</u> <u>C(L17)</u>	
D. Container Storage	C	P	P	

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
E. Salvage/Junk Yards	C	C	P(L11)	
Regional Freight Transportation	<u>C(L9)</u>	<u>C(L9)</u>	<u>C(L9)</u>	<u>17.103.065</u>
Trucking and Truck-Related				
A. Freight/Truck Terminal	<u>C(L9)</u>	<u>P(L8)(L9)(L12)</u>	<u>P(L8)(L9)(L12)</u>	<u>17.103.065</u>
B. Truck Yard	<u>C(L9)</u>	<u>P(L8)(L9)(L12)</u>	<u>P(L8)(L9)(L12)</u>	<u>17.103.065</u>
C. Truck Weigh Stations	<u>C(L9)</u>	<u>P(L8)(L9)(L12)</u>	<u>P(L8)(L9)(L12)</u>	<u>17.103.065</u>
D. Truck and Other Heavy Vehicle Sales. Rental and Leasing	<u>C(L9)</u>	<u>P(L9)(L13)</u>	<u>P(L9)(L13)</u>	<u>17.103.065</u>
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	<u>C(L9)</u>	<u>P(L8)(L9)(L12)</u>	<u>P(L8)(L9)(L12)</u>	<u>17.103.065</u>
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	—	<u>C(L9)</u>	<u>P(L9)</u>	<u>17.103.060</u> <u>17.103.065</u>
Agriculture and Extractive Activities				
Mining and Quarrying	<u>C(L18)</u>	<u>C(L18)</u>	<u>C(L18)</u>	

Limitations on Table 17.72.01:

L1. Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the following:

- a. No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

L2. The total floor area devoted to these activities on any single lot may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L3. 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.

L4. Communications equipment installation and exchanges are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5. The total floor area devoted to these activities on any single lot may only exceed ~~three thousand (3,000)~~ five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L6. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

L7. A Conditional Use Permit is required for entertainment, educational and athletic uses (see Chapter 17.134 for the CUP procedure). ~~Also, n~~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.

L8. No facility accommodating these activities that is located within ~~one hundred fifty (150)~~ five hundred (500) feet of any Residential Zone boundary shall be constructed, established, or altered in exterior appearance, unless the proposal ~~have~~has been approved pursuant to the Design Review Procedure (see Chapter 17.136 for the Design Review Procedure).

L9. These activities are only permitted upon the granting of a Conditional Use Permit if located within ~~one hundred fifty (150)~~ five hundred (500) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional regulations for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

L10. Electroplating Activities are prohibited.

L11. Salvage/Junk Yards Industrial Activities in the M-40 Zone are only permitted upon the granting of a Conditional Use Permit if located within ~~four hundred (400)~~ five hundred (500) feet of any Residential zone boundary except the M-30 Zone (see Chapter 17.134 for the CUP procedure). The following regulations shall apply to all Salvage/Junk Yards Industrial Activities in the M-40 Zone that do not require for a conditional use permit: Except for accessory off-street parking, landscaping, and screening, said activities shall be conducted entirely within an enclosed building or behind a solid lumber, masonry, or sheet metal fence or wall not less than ten (10) feet high, subject to the standards for required landscaping and screening in Chapter 17.124. All openings in such fence or wall shall be equipped with solid gates or doors of the same height as the fence or wall, and said gates or doors shall be kept securely closed at such times as the establishment is not open for business. Open storage of vehicles and other scrap material shall not exceed ~~twenty (20)~~ fifteen (15) feet in height.

L12. Only permitted upon the granting of a Conditional Use Permit (see Section 17.134 for the CUP procedure) in all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north.

L13. These activities are prohibited when located within two thousand (2,000) feet ~~from a Residential Facility of a Residential Zone boundary.~~ When not within two thousand (2,000) feet of a ~~Residential Facility-Residential Zone boundary,~~ Hazardous Materials Production, Storage, and Waste Management is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

a1. That the project is not detrimental to the public health, safety or general welfare of the community;

b2. That the project is or will be adequately served by roads and other public or private service facilities;

c3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;

d4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures to minimize impacts have been incorporated into the project.

L14. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L15. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

a1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.

L16. Community Gardens are permitted outright if they do not include ~~the livestock production or the cultivation of animals, and/or animal products by agricultural methods, and/or livestock production,~~ except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

L17. A Conditional Use Permit is required if located within five hundred (500) feet of any Residential Zone boundary (see Chapter 17.134 for the CUP procedure); prohibited if located if located elsewhere in the zone. See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L18. Prohibited if located within five hundred (500) feet of any Residential Zone boundary. A Conditional Use Permit is required if located elsewhere throughout the zone (see Chapter

17.134 for the CUP procedure). See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L19. The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	—	—(L4)	—	17.103.015
Two- to Four-Family Dwelling	—	—(L4)	—	17.103.015
Multifamily Dwelling	—	—(L4)	—	17.103.015
Rooming House	—	—(L4)	—	17.103.015
Vehicular	—	—(L4)	—	17.103.015

17.72.050 Property development standards.

A. **Zone Specific Standards.** Table 17.72.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.72.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	M-20	M-30	M-40	
Minimum Lot Frontage	25 feet	25 feet	25 feet	1
Minimum/Maximum Setbacks				
Minimum front	5 ft.	0 ft.	0 ft.	2, 3
Minimum interior side	0 ft.	0 ft.	0 ft.	4

Minimum street side	0 ft.	0 ft.	0 ft.	5
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	6, 7

Additional Regulations for Table 17.72.03:

4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, ~~the setback of the abutting portion of its side lot line is ten (10) feet~~ a side setback of six (6) feet is required. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts ~~a side yard of~~ an interior side lot line of any lot located in an RU-1 or RU-2 lot Zone, a side setback of four (4) feet is required (see Illustration for Table ~~17.68.03-17.72.03~~ 17.72.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

5. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~twenty (20) ten (10)~~ feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot, ~~but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet~~ the buildable width of any corner lot (see Illustration for Table ~~17.33.03-17.72.03~~ 17.72.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

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

8. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; ~~if the principal building on the abutting lot has a height of thirty (30) feet or less,~~ this maximum height shall increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table ~~17.35.04-17.72.03~~ 17.72.03 [Additional Regulation 8], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

17.72.060 Special Regulations for Planned Unit Developments.

~~A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the M-20, M-30, and M-40 Zones may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the M-20, M-30, and M-40 Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time

of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.020 Permitted and conditionally permitted activities and facilities.

The following table lists the permitted, conditionally permitted, and prohibited activities and facilities in the CIX, IG, and IO Zones. The descriptions of these uses are contained in Chapter 17.10.

"P" designates permitted activities and facilities in the corresponding zone.

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

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

"—" designates activities and facilities that are prohibited in the corresponding zone.

Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Residential Activities										
Permanent	—	—	—	—	—	C(L1)	—	—	—	
Residential Care	—	—	—	—	—	C(L1)	—	—	—	
Supportive Housing	—	—	—	—	—	C(L1)	—	—	—	
Transitional Housing	—	—	—	—	—	C(L1)	—	—	—	
Emergency Shelter	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.015
Civic Activities										
Essential Service	P	P	P	P	P	P	P(L21)	P(L21)	P(L21)	

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO		
Limited Child-Care	<u>C(L23)</u>	<u>C(L23)</u>	<u>C(L23)</u>	<u>C(L23)</u>	—	—	—	—	—	
Community Assembly	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C(L23)</u>	<u>C(L23)</u>	—	C		
Recreational Assembly	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C(L23)</u>	<u>C(L23)</u>	—	C		
Community Education	<u>C(L23)</u>	<u>C(L23)</u>	<u>C(L23)</u>	<u>C(L23)</u>	<u>P</u> <u>C(L23)</u>	<u>C(L23)</u>	—	<u>C(L23)</u>		
Nonassembly Cultural	P	P	P	P	P	C	—	C		
Administrative	P	P	P	P	P	C	—	C		
Health Care	C	C	C	C	<u>P</u> <u>—</u>	—	—	—	P	
Special Health Care	<u>C</u> <u>—</u>	—	—	—	<u>C(L22)</u>	<u>C(L22)</u>	—	—		
Utility and Vehicular	C	C	<u>P</u> <u>C</u>	C	<u>P</u> <u>C</u>	C	C	C	P	
Extensive Impact	C	C	C	C	C	C	C	C		<u>17.102.440</u>
Commercial Activities										

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
General Food Sales	P	P	P	P	P	P(L17)	G(L2) P(L2)	P(L2)		
Full Service Restaurant	P	P	P	P	P	P(L2)(L17)	G(L2) P(L2)	P(L2)		
Limited Service Restaurant and Cafe	P	P	P	P	P	P(L2)(L17)	G(L2) P(L2)	P(L2)		
Fast Food Restaurant	C	C	C	C	C	C	—	C	C	See Section 17.103.030
Convenience Market	C	C	C	C	C	C	—	C	C	
Alcoholic Beverage Sales	C	C	C	C	P(L3) C	C	—	—		See Sections 17.103.030 and 17.114.030
Mechanical or Electronic Games	P(L4)	P(L4)	P(L4)	C	P(L4)	—	—	—		
Medical Service	P	P	P	P	P	C	—	C		
General Retail Sales	P	P	P	P	P	P(L17)	—	P(L17)		

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Large-Scale Combined Retail and Grocery Sales	—	—	C	C	—	—	—	—		
Consumer Service	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	—	C(L20)		
Consultative and Financial Service	P	P	P	P	P	C	—	—		
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—		
Consumer Cleaning and Repair Service	P	P	P	P	P	C	—	—		
Consumer Dry Cleaning Plant	C	C	C	C	P C	C	—	—		
Group Assembly	P(L8) (L9)	P(L8) (L9)	P(L8) (L9)	P(L8) (L9)	P(L8) (L9)	P(L9)	P(L9)	C		
Personal Instruction and Improvement Services	P(L8) (L9)	P(L8) (L9)	P(L8) (L9)	P(L8) (L9)	P(L8) (L9)	P(L9)	P(L9)	C		

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Administrative	P	P	P	P	P	P	L9	P		
Business, Communication, and Media Service	P	P	P	P	P	P	P	P		
Broadcasting and Recording Service	P	P	P	P	P	P	P	P		
Research Service	P	P	P	P	P	P	CP	P		
General Wholesale Sales	P	P	P	P	P	P	P	P		
Transient Habitation	C	C	C	C	—	—	—	—		17.103.050
Building Material Sales	P(L4)(L19)	P(L4)(L19)	P(L4)(L19)	P(L4)(L19)	P(L4)	P(L4)	—	—	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	C	C	P	P	P	CP(L4)	—	C	P	

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Light Manufacturing	P	P	P	P	P	P	P	P		
General Manufacturing	P(L4)	P(L4)	P(L4)	—	P(L4)	P(L4)	P(L4)	—	P(L4)	<u>17.103.065</u>
Heavy/High Impact Manufacturing	—	—	—	—	—	—	C(L6)	—		<u>17.103.065</u>
Research and Development	P	P	P	P	P	P	P	P		
Construction Operations	P(L4)(L19)	P(L4)(L19)	P(L4)(L19)	C	P(L4)	P(L4)	P(L4)	C	P(L4)	<u>17.103.065</u>
Warehousing, Storage and Distribution-Related:										
A. General Warehousing, Storage and Distribution	P(L4)(L18)	P(L4)(L18)	P(L4)(L18)	C	P(L4)	P(L4)	P(L4)	P(L4)	P	<u>17.103.065</u>
B. General Outdoor Storage	C(L6)	C(L6)	C(L6)	C(L6)	C(L6)	P(L4)	P(L4)	P C(L6)		

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
C. Self-or Mini-Storage	—	—	—	—	C(L23)	C(L23)	—	C(L23)	C	
D. Container Storage	—	—	—	—	—	P(L4)	P(L4)	—		
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	P(L4)	—		
Regional Freight Transportation-Related:										
A. Seaport	—	—	—	—	—	—	P	C		<u>17.103.065</u>
B. Rail Yard	—	—	—	—	—	C	P	—		
Trucking and Truck-Related:										
A. Freight/Truck Terminal	—	—	—	—	P(L6) C(L6)	P(L4) C(L6)	P(L4)	—	P	<u>17.103.065</u>
B. Truck Yard	—	—	—	—	P(L6) C(L6)	C(L6)	P(L4)	C(L6)	P	<u>17.103.065</u>
C. Truck Weigh Stations	—	—	—	—	—	P(L4)	P(L4)	—		<u>17.103.065</u>

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	—	—	—	—	P(L7)	P(L7)	P(L4)	P(L4)	P	17.103.065
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L6) C(L6)	P(L6) C(L6)	P(L4)	—	P	17.103.065
Recycling and Waste-Related:										
A. Satellite Recycling Collection Centers	C	C	C	C	C	C	C	C		
B. Primary Recycling Collection Centers	—	—	—	—	P(L1) C(L1)	P(L1) C(L1)	P(L12)	—	—	See Sections 17.73.035 and 17.103.065
Hazardous Materials Production, Storage & and Waste Management-Related:										
A. Small Scale Transfer and Storage	—	—	—	—	—	C(L6)	C(L6)	—		L12 - See also Health and

Activity Types	Base Zones								Combining Zone	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
B. Industrial Transfer/Storage	—	—	—	—	—	—	C(L6)	—		Safety Protection Zone (S-19)
C. Residuals Repositories	—	—	—	—	—	—	C(L6)	—		
D. Oil and Gas Storage	—	—	—	—	—	—	P(L3) C(L6)	—		
Agricultural and Extractive Activities										
Plant Nursery	P	P	P	C	P	P	P	—		
Limited Agriculture	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	C(L15)	C(L15)	C(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)		
Mining and Quarrying Extractive	—	—	—	—	—	—	C(L6)	—		See Chapter 17.155
Accessory off-street parking serving prohibited activities	C	C	C	C	P	P	P	P	P	17.116.075

Activity Types	<u>Base Zones</u>								<u>Combining Zone</u>	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	C	C	C	C	C		17.102.110

* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D ~~base Zone~~ Base Zone also has the T Combining Zone, the T regulations shall supersede the ~~base zone~~ Base Zone. Wherever the T Combining Zone regulations are silent, the ~~base zone~~ Base Zone regulations shall supersede.

Facility Types	<u>Base Zones</u>								<u>Combining Zone</u>	Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	<u>T*</u>	
Residential Facilities	All Residential Facilities are prohibited in the CIX, IG and IO Zones, except for those approved in conjunction with a permitted Emergency Shelter Activity; or a conditionally permitted conversion of an existing Transient Habitation Commercial Activity in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road, as indicated in Limitation L1 below.									
Nonresidential Facilities										

Enclosed Nonresidential	P	P	P	P	P	P	P	P	<u>P</u>	
Open Nonresidential	P	P	P	P	P	P	P(L21)	P(L21)	<u>P(L21)</u>	
Sidewalk Cafe	P	<u>G</u> <u>P</u>	<u>G</u> <u>P</u>	P	<u>G</u> <u>P</u>	<u>G</u> <u>P</u>	—	—	<u>=</u>	See Section 17.103.090
Drive-In Nonresidential	—	—	—	—	—	—	—	—	<u>=</u>	
Drive-Through Nonresidential	C	C	C	C	C	C	C	C	<u>C</u>	See Section 17.103.100

Telecommunications Facilities

Micro Telecommunications	P	P	P	P	P	P	P	P	<u>P</u>	See Chapter 17.128
Mini Telecommunications	P	P	P	P	P	P	P	P	<u>P</u>	
Macro Telecommunications	C	C	C	C	C	C	P	P	<u>P</u>	
Monopole Telecommunications	C	C	C	C	C	C	P	P	<u>P</u>	
Tower Telecommunications	—	—	—	—	—	—	P	P	<u>P</u>	

Sign Facilities

Residential Signs	—	—	—	—	—	—	—	—	—	See Chapter 17.104
Special Signs	P	P	P	P	P	P	P	P	P	
Development Signs	P	P	P	P	P	P	—	—	—	
Realty Signs	P	P	P	P	P	P	P	P	P	
Civic Signs	P	P	P	P	P	P	P	P	P	
Business Signs	P	P	P	P	P	P	P	P	P	
Advertising Signs	—	—	—	—	—	—	—	—	—	

* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D Base Zone also has the T Combining Zone, the T regulations shall supersede the Base Zone. Wherever the T Combining Zone regulations are silent, the Base Zone regulations shall supersede.

Limitations on Table 17.73.020:

L1. All new Residential Activities are prohibited in the CIX, IG, and IO Zones, except that Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within those portions of the 3rd Street corridor, East 12th Street corridor and Coliseum Way area described in Section 17.103.015(A)(5)(6)(8) respectively and subject to the development standards in Section 17.103.015(B); and conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone into a Permanent Residential, Residential Care, Supportive Housing, or Transitional Housing Residential Activity may be permitted through a Conditional Use Permit in any portion of the CIX-2 Zone not located within one thousand five hundred (1,500) feet of Hegenberger Road. A Conditional Use Permit for such residential conversion of an existing Transient Habitation Commercial Activity in the CIX-2 Zone may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional criteria:

1. That the proposal involves housing that is only for one or more underserved populations, including but not limited to, ~~low income~~ low-income households, seniors, or veterans.

L2. Limited to location on a ground floor in the CIX-2, IG and IO Zones. Over five thousand (5,000) sf. floor area requires a conditional use permit in the CIX-2, IG, and IO Zones.

L3. Prohibited if located within three hundred (300) feet of a Residential Zone and requires a conditional use permit elsewhere throughout the zone. Conditional use permit is required in the CIX-2 Zone.

L4. A Ceonditional Use Permit is required if located within ~~three hundred (300)~~ five hundred (500) feet of any Residential Zone boundary or one-half (1/2) mile of a BART Station (see Chapter 17.134 for the CUP procedure). See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones. ~~Residential Zone. Permitted if located beyond three hundred (300)~~ five hundred (500) feet of a Residential Zone or one-half (1/2) mile of a BART Station.

L5. A Ceonditional Use Permit is required if the use involves any of the following: a) outdoor yard activities; or b) ancillary overnight boarding.

L6. Prohibited within ~~six hundred (600)~~ five hundred (500) feet of a Residential Zone or one-half (1/2) mile of a BART Station. A Ceonditional Use Permit is required elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

L7. A Ceonditional Use Permit is required: a) if within ~~three hundred (300)~~ five hundred (500) feet of a Residential Zone, and b) if located anywhere in the district when outdoor repair and service activity exceeds fifty percent (50%) of site area.

L8. A Ceonditional Use Permit is required for entertainment uses. Also, 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.

L9. A Ceonditional Use Permit is required for entertainment, educational and athletic uses (see Chapter 17.134 for the CUP procedure). Also, 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.

L10. In the IG Zone, Administrative activities are only permitted if accessory to an existing approved Industrial Activity and are limited to twenty percent (20%) of floor area in the IG Zone.

L11. Prohibited within ~~three hundred (300)~~ five hundred (500) feet of a Residential Zone; a conditional use permit containing requirements no less stringent than the performance standards set out in Section 17.73.035 is required if located beyond ~~three hundred (300)~~ five hundred (500) feet of a Residential Zone boundary.

L12. Prohibited within ~~three hundred (300)~~ five hundred (500) feet of a Residential Zone, permitted outright beyond ~~three hundred (300)~~ five hundred (500) feet with a standard set of performance standards that would apply to existing, new or expanded uses, as detailed in Section 17.73.035.

L13. A Conditional Use Permit is required for Electroplating Activities.

L14. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than one (1) acre twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L15. Limited Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

a1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;

b2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and

c3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

L16. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

a1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.

L17. Permitted ~~outright~~ if located within one thousand (1,000) feet of Highway 880, International Boulevard, Hegenberger Road, or 66th Avenue; conditionally permitted if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure).

L18. The total floor area devoted to these activities shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

L19. A conditional use permit is required if the use involves any outdoor activities within three hundred (300) feet of a Residential Zone. Outdoor activities are permitted if the use is located greater than three hundred (300) feet from a Residential Zone.

L20. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to Laundromats.

L21. Community Gardens and Botanical Gardens are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L22. 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.

L23. A Conditional Use Permit is required if located within five hundred (500) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure); prohibited if located beyond five hundred (500) feet.

L24. Permitted if located within five hundred (500) feet of a Residential Zone; prohibited if located beyond five hundred (500) feet.

17.73.030 Property Development Standards.

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

Table 17.73.030: Property Development Standards

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Maximum Height	85 ft. <u>95 ft.</u>	85 ft. <u>95 ft.</u>	85 ft. <u>95 ft.</u>	85 ft. <u>95 ft.</u>	None	55 ft. <u>65 ft.</u>	None	55 ft. <u>65 ft.</u>	3, 4
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	12 ft.	12 ft.	12 ft.	12 ft.	15 ft.	15 ft.	15 ft.	15 ft.	14, 15
<u>Maximum Fence Height in Yards adjacent to Residential or Open Space Zones</u>	See Section 17.108.140 for maximum fence height adjacent to Residential or Open Space Zones								14, 15

Additional Regulations Noted in Table 17.73.030

7. In the IO district, the minimum front yard setback area required shall, except for driveways, walkways, and allowable Signs, be developed as open landscaped areas, with a combination of lawn, ~~or other~~ ground cover, shrubs, trees, ~~and or~~ decorative ~~and permeable~~ paving materials, subject to the standards for required landscaping and screening in Chapter 17.124.

14. Applies to all property lines in CIX, IG and IO Industrial Zones, except those fronting a public street, which directly abut a Residential or Open Space Zone. All buffering requirements apply to: a) new development; or expansion of an industrial or commercial building by more than twenty percent (20%) floor area, or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five percent (35%), whichever is greater. See Section 17.108.140 for additional standards applicable to fences, barriers and similar freestanding walls.

15. A reduced buffer requirement may be permitted if appropriate and approved by the Planning Director with the provision of a solid wall of at least eight (8) feet in height in combination with ~~a reduced buffer width as well as fewer trees~~ and shrubs at a standard appropriate for minimizing the incompatibility between uses. The wall and landscape design shall be approved by the Planning Director, or his or her designee.

**17.73.035 Special regulations for Recycling and Waste-Related Industrial Activities—
Primary Recycling Collection Centers in the CIX, IG, and IO Industrial Zones.**

B. Performance Standards. In addition to the performance standards set forth in Chapter 17.120, the following minimum performance standards shall be uniformly applied, as applicable, to all Primary Recycling Collection Centers.

2. Signage. For existing, new or expanded uses: identification, directional and informational signs shall be provided on site in conformance with Chapter 17.104 General Limitation on Signs and with the ~~small project~~ design review procedure in Chapter 17.136. At a minimum, the following information shall be posted near the entrance(s) and/or perimeter of the facility:

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

A. Applicability. A Work/Live unit in the CIX, IG, and IO Industrial Zones must meet all applicable regulations contained in this Section. The CIX, IG, and IO Zones regulations contained in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters (JLWQs).

B. Definition. The following definition applies to this Chapter only: A "Work/Live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit accommodates a primary Nonresidential Activity with an accessory residential component.

C. Conditional use permit required.

1. Establishment of a Work/Live unit is only permitted upon determination that the proposal conforms to the conditional use permit criteria set forth in the Ceonditional Uuse Ppermit procedure in Chapter 17.134 and to one or both of the following additional use permit criteria:

a. The project is in the CIX Zones, and involves new construction or conversion of an existing building originally designed for Commercial or Industrial Activities: (1) within three hundred (300) feet of a Residential Zone, or (2) on an irregular shaped parcel that is adjacent to Mandela Parkway and in existence prior to the effective date of this amended Code section.

b. The project is in the CIX, IG, or IO Zones, and involves conversion of an existing building originally designed for Commercial or Industrial Activities and there are existing artist and/or artisan residents who meet the requirements of Zoning Code Bulletin regarding "Live/Work" (issued August 29, 2001 and amended August 23, 2004).

D. RegularDdesign review required. Establishment of a Work/Live unit shall ~~only be permitted upon determination that the proposal~~ conform to the Regular-design review criteria

set forth in the design review procedure in Chapter 17.136, and if Regular Design Review is applicable, to all of the following additional criteria:

1. That the exterior of a new building containing primarily Work/Live units in the CIX, IG, or IO Industrial Zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;
 2. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing roll up doors at the street or storefront style windows that allow interior space to be visible from the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;
 3. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
 4. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items;
 - b. Stairwells wide and/or straight enough to deliver large items;
 - c. Loading areas located near stairs and/or elevators; and
 - d. Wide corridors for the movement of oversized items; and
 5. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees and other business visitors.
- E. Activity, parking, loading, open space, and unit size standards for Work/Live units. The following table contains the activities allowed in a Work/Live unit; the minimum size of an industrial Work/Live unit; and the parking, loading and open space required for each Work/Live unit:

Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for Work/Live units.

Standard	Requirement		Note
Activities allowed in a Work/Live unit	Same permitted and conditionally permitted activities as described in Section 17.73.020 for the applicable base zone.		
Required parking	One (1) parking space per unit. See Chapter 17.116 for other off-street parking standards.		1, 3
Required loading	Square feet of facility	Requirement	3
	Less than 50,000 25,000 square feet	No berth required	
	50,000—199,999 25,000—69,999 square feet	One (1) berth	

Standard	Requirement	Note
	200,000 70,000 — 129,999 square feet <u>or more</u>	Two (2) berths
	130,000 square feet or more	Three (3) berths
Required usable open space	Seventy-five (75) square feet of usable open space per unit	<u>3</u>
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area	

Notes:

1. See Chapter 17.116 for ~~other~~ off-street parking standards.
 2. All required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space for Work/Live units may be provided above ground. Further, each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement.
 3. Parking, loading, and open space standards shall apply to new construction and additions only. No additional parking, loading or open space is required for Work/Live units within an existing building. For conversion of existing buildings, maintaining the amount of existing parking, loading, and open space is required to at least these minimum standards. If there is more parking, loading, and open space on the lot than required, then each can be reduced to the minimum required.
- F. A Work/live unit shall consist of a maximum of one-third (1/3) residential floor area with the remaining floor area to be used for the primary Nonresidential Activity. All required plans for the creation of ~~industrial~~ Work/Live units shall: (1) delineate areas designated to contain Residential Activities and areas designated to contain Nonresidential Activities, and (2) contain a table showing the square footage of each unit devoted to residential and Nonresidential Activities.
- G. Work/Live ~~Units space~~ shall be considered Commercially/Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of Work/Live units shall: (1) clearly state that the proposal includes Commercial/Industrially Joint Living and Working Quarters and (2) label the units intended to be these units as Commercially/Industrially Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow Industrial Activities in Work/Live units in the CIX, IG, and IO Industrial Zones.

Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS

17.101F.040 Permitted and conditionally permitted facilities.

Table 17.101F.02: Permitted and Conditionally Permitted Facilities

Facilities	Zone	Additional Regulations
	D-GI	
Residential Facilities		
One-Family Dwelling	—	
Two- <u>to Four</u> -Family Dwelling	—	
Multifamily Dwelling	—	
Rooming House	—	
Vehicular	—	

17.101F.050 Property development standards.

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

Table 17.101F.03: Property Development Standards

Development Standards	D-GI Zone	Additional Regulations
Maximum Building Height	<u>95 ft.</u> 65 ft.	2, 3
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking <u>requirements</u>	

Exhibit 4:

General Planning Code Amendments

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

Chapter 17.01 GENERAL PROVISIONS OF PLANNING CODE AND GENERAL PLAN CONFORMITY

17.01.070 Determination of General Plan conformity by Director of City Planning.

The Director of City Planning shall determine whether any specific proposal conforms to the General Plan. Any interested party may apply for a written General Plan conformity determination upon payment of a fee as prescribed in the city master fee schedule. Prior to making a decision, there shall be notice given by mail or delivery to all owners and occupants of persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved pursuant to Section 17.134.040; provided, however, that failure to send notice to any such owner where his or her address is not shown on the last available equalized assessment roll shall not invalidate the affected proceedings.

17.01.120 Proposals clearly not in conformance with the General Plan or the Land Use Diagram.

Any proposal determined to clearly not conform to the General Plan shall not be allowed and no application shall be accepted, nor shall any permits be approved or issued, for any such proposal, except as provided in this Section or in Section 17.01.040 or Section 17.01.070.

C. If permitted or conditionally permitted by Zoning Regulations, and where determined by the Planning Director to be consistent with the surrounding land uses and appropriate for the area, notwithstanding that the project may not be consistent with the General Plan classification shown on the Land Use Diagram. It is recognized that the General Plan land uses have been broadly applied to areas without parcel by parcel specificity and that the Land Use Diagram details are largely illustrative of the Plan's written goals and policies. Because the Diagram is generalized, and does not necessarily depict the accuracy of each parcel or very small land areas, a determination of project consistency can be requested of the Director of City Planning. The applicant must demonstrate to the satisfaction of the Planning Director that the predominant use, or average density, is different from that shown on the Diagram and is appropriate for the area in question and that the project is in conformance with the written goals and policies of the General Plan. Written notice of the Director's determination shall be sent to all property owners and occupants within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown on the last available equalized assessment roll shall not invalidate the affected proceedings. The Director's determination may be appealed to the City Planning Commission pursuant to Section 17.01.080B.

Chapter 17.07 TITLE, PURPOSE, AND SCOPE OF THE ZONING REGULATIONS

17.07.060 Conformity with zoning regulations required.

Except as otherwise allowed by Subsections A., B., and C. below, Section 17.114.030 and by the Nonconforming Use regulations in Chapter 17.114, or as authorized under Section 17.138.015, the Development Agreement procedure in Chapter 17.138, or the Variance and Exception procedure in Chapter 17.148, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed, and no lot lines shall be created or changed, except in conformity to the zoning regulations.

Chapter 17.09 DEFINITIONS

17.09.040 Definitions

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

D. "Multifamily Category One ADU" means an Accessory Dwelling Unit that is a conversion of a legally existing, non-habitable space, such as storage rooms, boiler rooms, passageways, attics, basements, or garages located within legally existing portions of Two- to Four-Family or Multifamily Dwelling Facilities. Non-habitable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any finished spaces that are meant to be occupied by people and used communally.

E. "Multifamily Category Two ADU" means a newly constructed detached Accessory Dwelling Unit, or a conversion of a legally existing detached accessory structure, on a lot with existing Two- to Four-Family or Multifamily Dwelling Facilities. A converted detached Category Two ADU(s) is either: (a) within the building envelope of an existing detached accessory structure and involves no expansion of existing building envelope; or (b) within a rebuilt detached accessory structure built in the same location and to the same exterior dimension as the existing detached accessory structure(s).

F. "Multifamily Category Three ADU" means a newly constructed ADU that is interior or attached to a primary structure, or a conversion of a legally existing attached accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.02, or a combination of both new construction and conversion for the purposes of creating only one ADU on the lot.

"Affordable housing" means that the relevant housing is available and restricted to occupancy at an affordable housing cost or an affordable rent to moderate income households, low income households, or very low income households.

"Affordable housing cost" shall have the same meaning as provided, in Section 50052.5 of the California Health and Safety Code and its implementing regulations. Affordable housing cost includes loan principal, loan interest, property and, mortgage insurance, property taxes, home owners' association dues and a reasonable allowance for utilities.

"Affordable rent" shall have the same meaning as California Health and Safety Code and its implementing regulations. Affordable rent includes rent and a reasonable allowance for utilities.

" Dwelling unit " means a room or suite of rooms including only one kitchen, except as otherwise provided in Section 17.102.270, and designed or occupied as separate living quarters for one person or family; or, where the facility occupied is a One-Family Dwelling, such person or family and not more than ~~three (3)~~ four (4) boarders, roomers, or lodgers where access to all rooms occupied by such boarders, roomers, or lodgers is had through the main entrance of the dwelling unit.

"Employee housing" is defined consistent with California Health and Safety Code Section 17008, as may be amended, and means any portion of any living unit, or property upon which a living unit is located, where the accommodations consist of living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, and is maintained by an employer in connection with any work or place where work is being performed, whether or not rent is involved.

"Food Desert" refers to areas designated as "Low-access tract at one-half mile" by the US Department of Agriculture (USDA) 2019 Food Access Research Atlas and is defined as an urban tract with at least five-hundred (500) people, or thirty-three percent (33%) of the population, living more than one-half mile from the nearest supermarket, supercenter, or large grocery store.

"Full-service restaurant" means ~~a place that is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation; and that has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant. Also, see Sections 17.10.272 and 17.156.070 any activity described in Oakland Planning Code Section 17.10.272.~~

Moderate, Low and Very Low Income Households. "Moderate, low and very low income households" means those households whose income matches levels determined periodically by the U.S. Department of Housing and Urban Development, based on the Oakland Primary Metropolitan Statistical Area (PMSA) median income levels by family size, under which:

1. **"Moderate income"** is as defined in Section 50093 of the California Health and Safety Code and its implementing regulations;
2. **"Low income"** is as defined in Section 50079.5 of the California Health and Safety Code and its implementing regulations;
3. **"Very low income"** is as defined in Section 50105 of the California Health and Safety Code and its implementing regulations.

“Low Barrier Navigation Center” is as defined in Section 65660 of the California Government Code and means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

“Major transit stop” is defined consistent with California Public Resources Code Section 21064.3-21155, as may be amended; and means a site containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less on a single bus route during the morning and afternoon peak commute periods.

“Mini-lot Planned Unit Development” or “Mini-Lot PUD” means a comprehensively designed development approved pursuant to Planning Code Chapter 17.142 and containing a subdivision of lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

“Principal street” means on interior lots, the street that abuts a lot. On corner lots and through lots, the principal street is the street that abuts the lot that is highest on the street hierarchy as defined in the Land Use and Transportation Element of the General Plan. Where streets have the same street hierarchy, the principal street shall be determined by the Zoning ~~Administrator~~ Manager based on the street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and control of intersections.

Chapter 17.10 USE CLASSIFICATIONS

17.10.040 Accessory activities.

In addition to the principal activities expressly included therein, each activity type shall be deemed to include such activities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal activity; are located on the same lot as such principal activity except as otherwise provided in Subsections A., J., and K. of this Section; and meet the further conditions set forth hereinafter. Such accessory activities shall be controlled in the same manner as the principal activities within such type except as otherwise expressly provided in the zoning regulations. Such accessory activities include, but are not limited to, the activities indicated below, but exclude the sale of alcoholic beverages to the general public except at a Full-Service Restaurant, Limited-Service Restaurant and Café, or an alcoholic beverage manufacturer, as described in Sections 17.10.272, 17.10.274, 17.10.550, and 17.10.560, and subject to the standards in Section 17.103.030. (See also Section 17.10.050 for additional activities included within activity types in the case of combinations of different principal activities.)

M. Public restrooms serving park and recreational facilities;

N. Auto repair on the same lot as an auto showroom, or auto repair on a separate lot in the D-BV-4 Zone upon the granting of a Conditional Use Permit according to the requirements of limitation L18. in Table 17.101C.01;

O. Operation of Electrical Vehicle Charging Stations and similar infrastructure.

17.10.060 Listing of facility classifications.

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

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

17.10.070 Accessory facilities.

In addition to the principal facilities expressly included therein, each Residential and Nonresidential Facility type shall be deemed to include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal facility; are located on the same lot as such principal facility except as otherwise provided in Subsections A., F., and G. of this Section; and meet the further conditions set forth hereinafter. Such accessory facilities shall be controlled in the same manner as the principal facilities within such type except as otherwise expressly provided in the zoning regulations. They include but are not

limited to the following facilities, but shall not be deemed to include Signs, which are classified and controlled separately:

G. A temporary real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five (5) or more lots.;

H. Electrical Vehicle Charging Station equipment and similar infrastructure.

Article II Activity Types

17.10.112 Residential Care Residential Activities.

Residential Care Residential Activities include all Residential Care Facilities that require a state license or are state licensed for seven (7) or more residents which provide twenty-four (24) hour primarily nonmedical care and supervision. Occupancy of living accommodations by six (6) or fewer residents are excluded. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. State licensed Residential Care Facilities for six (6) or fewer residents shall be treated as Permanent Residential Activities except with regard to the three hundred (300) foot separation requirement in Section 17.103.010.B.

17.10.114 Supportive Housing Residential Activities.

Supportive Housing Residential Activities include housing: (a) with no limit on length of stay; (b) that is linked to an onsite or offsite service that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community; and (c) that is occupied by the following target population (as defined in subdivision (g) of Government Code Section 65582):

A. Adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions and may, among other populations, include adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people; or

B. Individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code), who include individuals with a disability that originated before the individual was eighteen (18) years old, but not including handicapping conditions that are solely physical in nature.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Supportive Housing shall only be subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

Notwithstanding anything to the contrary contained in the Planning Code, Supportive Housing Residential Activities shall be a use by right in any zone where Multifamily Dwelling Residential Facilities are permitted if the proposal satisfies all of the requirements provided in Government Code Section 65651.

17.10.125 Bed and Breakfast Residential Activities.

A. The activity occupies a One-Family Dwelling Residential Facility or a Two- to Four Family Dwelling Residential Facility;

17.10.140 Essential Service Civic Activities.

Essential Service Civic Activities include the maintenance and operation of the following installations:

A. Electric, gas, and telephone distribution lines and poles, and water, storm drainage, and sewer lines, with incidental appurtenances thereto, but excluding electric transmission lines;

B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used individually or collectively for the cultivation of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants, ~~and/or animal products and livestock production by one (1) or more persons~~ for personal consumption and/or donation. Typically in community gardens, the land is divided into individual plots, and each individual participant is responsible for their own plot and the yielding or the production of which belongs to the individual, but can also include land that is not divided and the participant group cultivates the subject land together. This classification does not include any cannabis activities; livestock production or the cultivation of animals and/or animal products by agricultural methods, except for bee keeping involving no more than three (3) hives; the use of heavy mechanized farming equipment; or commercial sales on or off the premises, except for limited seasonal sales. ~~Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to, Municipal Code Chapters 6.04, 8.14, and 8.18;~~

J. Telecommunications activities including the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.;

K. Electrical Vehicle Charging Stations and similar infrastructure;

~~KL.~~ All activities not classified elsewhere in the use regulations that are conducted on City and regional parklands and which are specifically referenced in master plans which are adopted by the Oakland City Council.

17.10.160 Community Assembly Civic Activities.

Community Assembly Civic Activities include the provision of civic activities to assembled groups of spectators or participants at the following institutions or installations. Examples of activities in this classification include but are not limited to the following:

- Churches, temples, synagogues, and other similar places of worship;
- Public and private nonprofit clubs, lodges, meeting halls, and recreation centers;
- Community, cultural, and performing arts center;
- Public and nonprofit gymnasiums and indoor swimming pools.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. 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.

17.10.170 Recreational Assembly Civic Activities.

Recreational Assembly Civic Activities include the provision of recreational activities, typically performed by participants within public facilities. Examples of activities in this classification include but are not limited to the following:

- Food service and other concessions located within public parks;
- Public and parochial playgrounds and playing fields;
- ~~Temporary nonprofit festivals;~~
- Basketball courts, tennis courts, handball courts, lawn bowling, leisure areas, and similar outdoor park and recreational facilities;
- Community outdoor swimming and wading pools, and other water play features;
- Picnic areas.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.200 Administrative Civic Activities.

Administrative Civic Activities include the activities typically performed by government and public utility administrative offices, as well as the administrative offices of charitable, philanthropic, and non-profit organizations. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.272 Full-Service Restaurant Commercial Activities.

Full-Service Restaurant Commercial Activities include the provision of food or beverage services to patrons who order and are served while seated (table service), and pay after eating. Only a minor proportion, if any, of the food is sold for consumption off-premises. These restaurants have kitchens that contain equipment suitable for cooking an assortment of foods; and may include service of liquor, beer and/or wine, subject to the standards in Section 17.103.030. ~~Also, see Section 17.156.070 for definitions of a Full-Service Restaurant in relation to the Deemed Approved Beverage Sale regulations.~~ Food service shall be offered at all times the Full-Service restaurant is open, with the exception that the establishment may elect to close the kitchen up to three (3) hours prior to closing. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.274 Limited-Service Restaurant and Cafe Commercial Activities.

Limited-Service Restaurant and Cafe Commercial Activities include the provision of food or beverage services to patrons that generally order and pay at a service counter before eating. Food and beverages may be served in disposable containers and may be consumed on the premises or taken out. Seating for on-premises consumption is usually available and table service may or may not be provided. These restaurants may include service of beer and/or

wine, subject to the standards in Section 17.103.030. Examples of these activities include, but are not limited to, cafes and restaurants that do not fall under Section 17.10.272 Full-Service Restaurant Commercial Activities, or Section 17.10.280 Fast-food Restaurant Commercial Activities. ~~Also, see Section 17.156.070 for definition of a Limited Service Restaurant or Café in relation to the Deemed Approved Alcoholic Beverage Sale regulations.~~ This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.378 Artisan Production Commercial Activities

Artisan Production Commercial Activities include the creation, exhibition and on-site sale of multi-media art and artisan products. This includes street-oriented displays of artistic products and publicly-accessible studio and sales spaces. These activities do not include manufacture, fabrication or production processes that produce noise, vibration, air pollution, fire hazard, or noxious emissions that could disturb or endanger neighboring properties. This classification does not include the production of alcoholic beverages classified in Section 17.10.550 Custom Manufacturing Industrial Activities. Artisan Production Activities include, but are not limited to:

- a. Painting;
- b. Drawing;
- c. Sculpture;
- d. Small-scale jewelry, metalworking and woodworking production;
- e. Photography, picture framing, printshop, digital print lab
- f. Fashion design, sewing, textiles fabrication;
- g. Art gallery;
- h. Food Production (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with five thousand (5,000) square feet or less of floor area

17.10.380 Group Assembly Commercial Activities.

Group Assembly Commercial Activities include the provision of instructional, amusement, and other services of a similar nature to group assemblages of people. This classification does not include any activity classified in Section 17.10.160 Community Assembly Civic Activities, Section 17.10.170 Recreational Assembly Civic Activities, or Section 17.10.180 Community Education Civic Activities. Examples of activities in this classification include, but are not limited to, the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with ~~three thousand (3,000)~~ five thousand (5,000) square feet or more of classroom or instructional space;
- Drive-in theaters;
- Theaters or venues with three thousand (3,000) square feet or more of performance, lobby space, and audience floor area;
- ~~Temporary carnivals, fairs, and circuses;~~
- Cabarets, night clubs, dance halls, adult entertainment, and pool halls;
- Banquet halls;

- Fitness clubs with ~~three thousand (3,000)~~ five thousand (5,000) square feet or more of floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.385 Personal Instruction and Improvement Services Commercial Activities.

Personal Instruction and Improvement Services Commercial Activities include the provision of informational, instructional, personal improvement and other services of a similar nature. This classification does not include any activity classified as Section 17.10.180 Community Education Civic Activities or Section 17.10.380 Group Assembly Commercial Activities. Examples of activities in this classification include, but are not limited to, the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with less than ~~three thousand (3,000)~~ five thousand (5,000) square feet of classroom or instructional space;
- Fitness clubs with less than ~~three thousand (3,000)~~ five thousand (5,000) square feet of floor area;
- Theaters or venues with less than three thousand (3,000) square feet of performance, lobby space, and audience floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.585 Trucking and Truck-Related Industrial Activities.

Trucking and Truck-Related Industrial Activities include the provision of freight handling and shipping services by trucks as well as parking, maintenance, and services for trucks and other heavy vehicles and equipment. Each classification involves the use of trucks and other heavy vehicles that have a gross vehicle weight rating greater than or equal to fourteen thousand (14,000) pounds. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

E. Truck and Other Heavy Vehicle Service, Repair, and Refueling. Repair, fueling, and other servicing of medium and heavy trucks, truck tractors, construction or agricultural equipment, buses, boats, heavy equipment, and similar vehicles. This classification includes the sale, installation, and servicing of related equipment and parts. This classification includes gasoline and diesel fueling stations, repair shops, body and fender shops, wheel and brake shops, engine repair and rebuilding, welding, major painting service, tire sales and installation, and upholstery shops for trucks and other heavy vehicles. This classification does not include electrical vehicle charging stations installed as the primary use of a site; or vehicle dismantling or salvage (see Essential Service Activities, Section 17.10.140.K and Salvage/Junk Yards, Subsection 17.10.583.E).

17.10.590 General description of Agricultural and Extractive Activities.

Agricultural and Extractive Activities include the on-site production of plants, and animals, and plant and animal products by agricultural methods, and of mineral products by extractive methods. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.610 Limited Agricultural Activities.

Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040; and employee housing consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a family or household. This classification does not include any cannabis activities; the keeping, grazing, or feeding of more than three (3) livestock animals or except for bee keeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities. Any keeping, grazing, feeding, or production of animals or animal products must conform to all applicable regulations, including but not limited to, Municipal Code Chapters 6.04, 8.14, and 8.18. See also Section 17.102.140 for regulations regarding the keeping or training of horses, mules, or donkeys.

17.10.615 Extensive Agricultural Activities.

Extensive Agricultural Activities include the keeping, grazing, ~~or feeding of~~ more than three (3) livestock animals by agricultural methods, including bee keeping activities involving more than three (3) hives, ~~intended to provide animals or animal products for on- or off-site sale;~~ and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to, the use of any heavy mechanized farming equipment. Any keeping, grazing, feeding, or production of animals or animal products must conform to all applicable regulations, including but not limited to, Municipal Code Chapters 6.04, 8.14, and 8.18. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040; and employee housing consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a family or household. This classification does not include any cannabis activities; or any activity classified in Section 17.10.505 Animal Boarding Commercial Activities or Section 17.10.510 Animal Care Commercial Activities. See also Section 17.102.140 for regulations regarding the keeping or training of horses, mules, or donkeys.

17.10.640 One-Family Dwelling Residential Facilities.

One-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and ~~each of which contains~~ one (1) Regular Dwelling Unit on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. One-Family Dwelling Residential Facilities also include manufactured homes, as defined in Health and Safety Code Section 18007; ~~and~~ mobile homes, as defined in Health and Safety Code Section 18008; and employee housing providing accommodations for six (6) or fewer employees. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

17.10.670 Two- to Four-Family Dwelling Residential Facilities.

Two- to Four-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and ~~each of which~~ contains two (2) to four (4) Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

17.10.680 Multifamily Dwelling Residential Facilities.

Multifamily Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and ~~each of which~~ contains ~~three (3)~~ five (5) or more Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

17.102.120 Removal of dirt or other minerals—Residential and S-1, S-2, S-3, S-15 and OS Zones.

In all Residential Zones and in the S-1, S-2, S-3, S-15 and OS Zones, no grading or excavation shall involve the removal of any soil, rock, sand, or other material for purposes of sale, fill, building, or other construction usage off the premises, unless a conditional use is granted pursuant to the conditional use permit procedure in Chapter 17.134. However, excavations in any street, alley, or other public place and excavations for foundations, basements, or cellars for the erection of any buildings for which a building permit has been issued shall be exempt from the above restriction.

17.102.250 Special exceptions allowed for multi-unit residential buildings undergoing mandatory seismic retrofit.

The following special exceptions apply to any building undergoing permitted retrofit work in compliance with Chapter 15.27 of the Oakland Municipal Code:

B. Additional Units. The number of legal living units in any building undergoing permitted retrofit work may be increased by one (1) unit for properties containing at least five (5) but fewer than ~~twenty (20)~~ ten (10) living units and by two (2) units for properties containing ~~twenty (20)~~ ten (10) or more living units, regardless of any resulting nonconformity as to the normally required maximum density, as long as the additional unit is located either within the building envelope resulting from the permitted retrofit work or outside of such building envelope, but within the height and setback requirements normally applicable to the subject building. The building permit for the additional unit(s) must be issued no later than five (5) years from the date of the final inspection of the retrofit work. An additional unit is not allowed if the new unit would reduce the number of bedrooms or bathrooms in any existing unit, or reduce the total amount of floor area in any existing unit by ten percent (10%) or more.

17.102.340 Electroplating Activities in the Industrial Zones.

A. Distance Standards. No Electroplating Activity shall be located nor expanded within one thousand (1,000) feet from the boundary of any other zone except the CIX-2 ~~or~~ IG, ~~M-20, M-30, or M-40~~ Zones, nor from any area designated "Resource Conservation Area" or "Park and Urban Open Space" in the Oakland General Plan.

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

17.103.010 Residential Care and Emergency Shelter Residential Activities.

A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Residential Care or Emergency Shelter Residential Activity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:

1. That staffing of the facility is in compliance with any State Licensing Agency requirements;
2. That if located in a Residential Zone, the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area;
3. That if located in a Residential Zone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generated by the surrounding Residential Activities;
4. That if located in a Residential Zone, arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties;
5. That the facility's program does not generate noise at levels that will adversely affect the livability of the surrounding properties.

B. Restriction on Overconcentration of Resident Care and Emergency Shelter Residential Activities.

1. ~~_____ No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Residential Care Residential Activity or Facility except for residential care facilities for foster family homes and the elderly.~~

2. ~~_____ No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other Emergency Shelter Residential Activity.~~

C. ~~_____ See Section 17.103.015 for standards applicable to Emergency Shelters permitted "by-right".~~

17.103.015 Standards applicable to Emergency Shelters permitted "by-right".

A. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities shall be permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities. Emergency shelters shall also be permitted by-right within the following areas, identified street corridors, and portions of street corridors (see Zoning Code Bulletin on Emergency Shelters Permitted By-right for a map of the following locations):

1. That portion of Martin Luther King Jr. Way lying between the 51st Street and the City of Oakland City Limits (Segment 1 on map in Zoning Code Bulletin).
2. That portion of San Pablo Boulevard lying between 53rd Street and the City of Oakland City Limits (Segment 2 on map in Zoning Code Bulletin).
3. That portion of the area surrounding Webster Street bounded by 29th Street to the south, the I-580 overpass to the north and Elm Street to the west and Webster Street (parcels fronting Webster Street) to the east (Segment 3 on map in Zoning Code Bulletin).
4. That portion of San Pablo Boulevard lying between Grand Avenue and I-580 (Segment 4 on map in Zoning Code Bulletin).
5. That area surrounding Third Street bounded by Martin Luther King Jr. Way to the east, Fifth Street to the north, Embarcadero West to the south and Union Street to the west (Segment 5 on map in Zoning Code Bulletin).
6. That portion of E. 12th Street between 14th Avenue and 23rd Avenue (Segment 6 on map in Zoning Code Bulletin).
7. That portion of Macarthur Boulevard between Fruitvale Avenue and High Street (Segment 7 on map in Zoning Code Bulletin).
8. That area of Coliseum Way bounded by San Leandro Street to the north, I-880 to the south, 66th Avenue to the east and High Street to the west (Segment 8 on map in Zoning Code Bulletin).

B. Where permitted by-right, Emergency Shelters shall comply with the development standards of the underlying zone and be in accordance with the following additional criteria:

1. **Compliance with required licenses, permits, and approvals.** An Emergency Shelter shall obtain and maintain in good standing required licenses, permits, and approvals from city, county and state agencies or departments and demonstrate compliance with applicable Building and Fire Codes. An Emergency Shelter Residential Facility shall comply with all county and state health and safety requirements for food, medical and other supportive services provided on-site.
2. **Number of beds.** A maximum of number of one hundred (100) beds or persons are permitted to be served nightly by the facility.
3. **Off Street Parking.** See Sections 17.116.060(B) and 17.103.010(A) for parking-related requirements for ~~emergency shelters~~ Emergency Shelters.
4. **Size and location of exterior onsite waiting and client intake areas.** Exterior waiting areas ~~must~~ shall comply with the Small Project Design Review Checklist Criteria for Facilities with 3 or More Dwelling Units.
5. **Restriction on overconcentration of Emergency Shelter Residential Activities.** See Section 17.103.010(B) for overconcentration standards for Emergency Shelter Residential Activities.
6. **Length of stay.** No individual or family shall reside in an ~~emergency shelter~~ Emergency Shelter for more than one hundred eighty (180) consecutive days.

7. **External Lighting and Security.** Satisfactory completion of the City of Oakland’s “Crime Prevention Through Environmental Design (CPTED) Checklist for Residential Projects” is required for all ~~emergency shelters~~ Emergency Shelters permitted by-right.
8. **Additional Requirements.** For City of Oakland-funded shelters refer to the current “Standard Contract – Service Agreement” that governs the disposition of funds from the City of Oakland, through the Department of Human Services, to a shelter operator.

17.103.016 Low Barrier Navigation Centers.

A low-barrier navigation center shall be permitted by-right in areas zoned to permit permanent residential activities, including within mixed-use and nonresidential zones permitting permanent residential activities, if it meets the following requirements:

- A. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- B. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- C. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- D. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

Use by right has the meaning defined in subdivision (i) of Section 65583.2 of the California Government Code. Division 13 (commencing with Section 21000) of the California Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a low-barrier navigation center constructed or allowed by this section.

17.103.030 Fast-Food Restaurant, and Convenience Market Commercial Activities, and Establishments Selling Alcoholic Beverages.

- B. Special Restrictions on Establishments Selling Alcoholic Beverages.
5. Standards for Limited-Service Restaurant and Café Commercial Activities that include the service of alcoholic beverages:
 - b. Food service shall be offered at all times the Limited-Service Restaurant or Café is open, with the exception that the establishment may elect to close the kitchen ~~one hour~~ three hours prior to closing.

17.103.060 Recycling and Waste-Related Industrial Activities—Primary Recycling Collection Centers.

A. Applicability. This Section applies to Recycling and Waste-Related Industrial Activities — Primary Collection Centers that are located in any zone. Where there is any apparent conflict between these regulations and regulations contained elsewhere in the Oakland Planning Code, this Title 17, and/or with conditions of approval, the more stringent shall govern.

B. Performance Standards. In addition to the performance standards set forth in Chapter 17.120, the performance standards specified in Subsection 17.73.035.B shall be uniformly applied, as applicable, and the relief from the performance standards in Subsection 17.73.035.C shall apply to all Primary Collection Centers.

17.103.065 Truck-Intensive Industrial Activities.

A. Definitions. For the purposes of this regulation, the following definitions apply:

1. “Sensitive Receptor Locations” are locations where sensitive receptors (children, elderly, asthmatics, and others at a heightened risk of negative health outcomes due to exposure to air pollution) congregate – including but not limited to schools, parks and recreational centers, playgrounds, childcare facilities, senior centers, hospitals and residences.

2. “Truck-Intensive Industrial Activities” include all Industrial Activities that fall under the following activity classifications as described in Chapter 17.10:

a. General Manufacturing;

b. Heavy/High Impact Manufacturing;

c. Construction Operations;

d. Warehousing, Storage and Distribution;

e. Regional Freight Transportation - Rail Yards;

f. Trucking and Truck-Related; and

g. Recycling and Waste-Related - Primary Recycling Collection Centers.

B. Special Conditional Use Permit Criteria. In the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones, a Conditional Use Permit is required for a Truck-Intensive Industrial Activity to be located within five hundred (500) feet of any Residential Zone boundary and shall only be granted upon determination that the proposal conforms to the general criteria set forth in the Conditional Use Permit procedure (see Section 17.134.050) and to all of the following additional use permit criteria:

1. That truck traffic, truck idling, truck loading, and manufacturing activities associated with the proposal will not adversely affect sensitive receptor locations within five hundred (500) feet of the site in terms of air quality, noise, parking, and vibrations. Means of demonstrating compliance with these criteria include, but are not limited to, the following measures:

a. Locating truck loading, truck idling, truck ingress and egress, vents, smokestacks and other sources of air contaminants so as to minimize impacts on sensitive receptor locations;

b. Sizing truck loading areas to allow for easy truck entrance, egress, and maneuvering;

- c. Providing sufficient onsite parking and maneuvering areas for trucks, cars, and heavy equipment;
 - d. Meeting local, regional, and state requirements regarding air quality and performance standards;
 - e. Incorporating measures to assure trucks follow designated truck routes;
 - f. Installing landscaping, vegetative buffers and/or walls to reduce diesel air contamination, contamination due to manufacturing operations, or any other sources of air contamination; and
 - g. Limiting adverse effects regarding dust - including dust resulting from tire and brake wear.
- C. Special Performance Standards (in addition to those Performance Standards contained in Chapter 17.120). Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones located within five hundred (500) feet of any Residential Zone boundary shall be subject to the following special requirements to ensure that the criteria contained in Subsection B, above are fulfilled:
- 1. Truck access points to the activity site shall only be from truck routes designated by the City of Oakland;
 - 2. All trucks associated with the activity shall comply with California Air Resources Board idling regulations;
 - 3. All loading docks shall have electric plug-in capabilities;
 - 4. New truck parking areas and loading docks shall be sited so as to minimize impacts on sensitive receptor locations, including but not limited to orienting them away from residential and open space areas;
 - 5. Identification, directional and informational signs shall be provided on site. At a minimum, the following information shall be posted:
 - a. Business Identification, 24-hour contact information of facility operator near the entrance(s) and perimeter of the facility;
 - b. A map of authorized truck routes to the facility posted at the office and available to customers, truck operators, and the public; and
 - c. “No Idling” signs near loading docks and truck parking and staging areas.
 - 6. After business hours, all facility-owned vehicles shall be stored on-site or at an approved alternative off-street location;
 - 7. The operation shall meet the requirements of the Bay Area Air Quality Management District (BAAQMD);
 - 8. The proposal shall comply with all applicable performance standards contained in Chapter 17.120;
 - 9. All equipment shall be maintained and kept in good working order and meet current regional and state air quality standards;

10. The business operator shall maintain a 24-hour "hotline" where neighbors can log complaints regarding nuisance activity associated with or emanating from the facility. Complaint logs shall be maintained and made available to the City for inspection/copying upon reasonable notice.

D. Standard Buffering and Landscaping Condition for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones. A combination of wall and vegetative buffer shall be used as a method to block diesel and other emissions from sensitive receptor locations. For a vegetative buffer, dense rows of trees and other vegetation between sensitive receptor locations and emission sources shall be planted. See Appendix A. of the City of Oakland's Gateway Industrial District Design Standards for approved landscape buffers and a plant list. Street trees as required by Section 17.124.025 shall also be installed. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition, and, whenever necessary, repaired or replaced.

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

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

A. Regulations Applying to All Accessory Dwelling Units.

7. Restriction of ADUs in Certain Locations Based on Traffic Flow and Public Safety.

See Chapter 17.88 for limitations on ADUs in the S-9 Fire Safety Protection Combining Zone.

Development of ADUs is restricted with certain exceptions specified in Chapter 17.88 to one (1) interior conversion Category One ADU within the existing envelope of a primary structure or one (1) Junior Accessory Dwelling Unit (Junior ADU or JADU) per ~~Single One-Family, Two- to Four-Family,~~ or Multifamily lot. See the S-9 Fire Safety Protection Combining Zone Map Overlay ("Overlay Zone") Map to determine if the lot where the ADU is proposed is within the S-9 Zone.

14. ~~Mini-Lot~~ Planned Unit Developments (~~Mini-Lot~~ PUDs). ADUs proposed on ~~Mini-Lot~~ Planned Unit Developments (~~Mini-Lot~~ PUDs) must comply with requirements of Chapter 17.142 and Section 17.103.080.

B. Property Development Standards applying to One-Family ADUs

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

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

	Types of One-Family ADUs			Notes
Development Standards	Junior ADU	One-Family ADU Category 1	One-Family ADU Category 2	
Parking for ADUs	None Required	<p>None required if located: a) within ½-mile walking distance of public transit <u>a major transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code</u>; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan’s Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; or d) where there is a carshare vehicle within one block of the ADU.</p> <p>Otherwise: One (1) space per ADU, which can be tandem</p>		8, 9

Notes for Table 17.103.01:

2. At least a minimum square-footage that permits an Efficiency Dwelling Unit as defined in Chapter 17.09 and in the California Building Code.

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

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

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

	Types of Two- <u>to Four</u> -Family and Multifamily ADUs			Notes
Development Standards	Two- <u>to Four</u> -Family and Multifamily ADU Category 1	Two- <u>to Four</u> -Family and Multifamily ADU Category 2	Two- <u>to Four</u> -Family and Multifamily ADU Category 3	
Maximum Number	1 or up to 25% of existing units, whichever is greater, per Two- <u>to Four</u>-	No more than 2 per lot	Only 1 per lot. Precludes creation of any other ADU	1, 2

	Types of Two- to Four-Family and Multifamily ADUs		Notes
	<p>family or multifamily building-Facility. For the purposes of the 25% limitation, a unit is considered existing if it has received its certificate of occupancy or passed its final building inspection on its building permit.</p>		
Parking for ADUs	<p>One (1) space; OR none if located: a) within ½-mile walking distance of public transit a major transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan’s Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; or d) where there is a carshare vehicle within one block of the ADU.</p>		6

Notes for Table 17.103.02:

3. At least a minimum square footage that permits an Efficiency Dwelling Unit as defined in Chapter 17.09 and in the California Building Code.

5. Two- to Four-Family and Multifamily Category One ADUs are allowed even if the existing space to be converted or rebuilt does not meet the underlying zone’s current development standards, such as height limits, floor area ratios, lot coverage or setbacks. This allowance is only for ADUs located behind the primary building in its rear yard. If Category Two ADU is proposed in front or side of a primary structure, the maximum height is sixteen (16) feet. Notwithstanding, in the S-9 Zone, maximum ADU height is capped at sixteen (16) feet.

17.103.085 Vehicular Residential Facilities.

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

- A. Classification.** A Vehicular Residential Facility shall be considered a Dwelling Unit. A Vehicular Residential Facility may also be considered an Accessory Dwelling Unit in accordance with Section 17.09.040. The Accessory Dwelling Unit regulations contained in Section 17.103.080 shall not apply to a Vehicular Residential Facility considered an Accessory Dwelling Unit, except that the restriction on Accessory Dwelling Units in certain locations for life safety reasons and the maximum density standard shall apply.

Chapter 17.106 GENERAL LOT, DENSITY, AND AREA REGULATIONS

17.106.010 Lot area and width exceptions.

The minimum lot area and lot width requirements prescribed in the applicable individual zone regulations shall be subject to the following exceptions:

A. Existing Substandard Parcel. Any existing substandard parcel of contiguous land may be developed as a lot if such parcel existed lawfully under the previous zoning controls.

B. Division of Parcel with Existing Buildings. Where a parcel contains two (2) or more existing principal buildings which were lawfully established, said parcel may be divided into two (2) or more lots which do not have the minimum lot area, minimum lot width, and minimum frontage, yards, open space, and parking requirements otherwise applying to the divided lots may be waived or modified upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Each resulting lot shall accommodate at least one existing principal building and each lot shall have frontage on a street. A conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria in Chapter 17.134 and to the following special criteria:

1. That all principal structures existed lawfully under the previous zoning controls, and are habitable or in sound condition;
2. That the proposal will not result in a lot which is so small, so shaped, or so situated that it would be impractical for subsequent permitted uses;
3. That the proposal will maintain the existing amount of usable open space and off-street parking spaces for any Residential Facilities involved. If there are more parking spaces or usable open space on the lot than required, then the number of parking spaces and/or amount of open space can be reduced to the minimum required.

17.106.020 Exceptions to street frontage requirement.

Notwithstanding the requirements prescribed in the applicable individual zone regulations with respect to minimum frontage upon a street, a lot which does not meet such requirements may be created and/or developed in each of the following situations:

A. If it has a frontage of not less than ~~twenty-five (25)~~ twenty (20) feet upon an undedicated vehicular way, other than one similar in function to an alley or path, which has a right-of-way not less than forty (40) feet in width and which was shown on the sewer maps on file with the City Engineer on the effective date of the zoning regulations;

B. If it is served by a private access easement approved pursuant to the real estate subdivision regulations and subject to the provisions of Section 17.102.090;

C. If it consists of a parcel of contiguous land which existed lawfully under the previous zoning controls;

D. If it meets the same conditions as are prescribed in Section 17.106.010 for lot area and width exceptions;

E. With the exception of Subsections B. and C. of this Section, nothing in this Section shall exempt parcels in the S-9 and S-11 Zones from any street frontage requirement.

17.106.030 Maximum density and ~~Floor Area~~Floor Area Ratio on lots containing both Residential and Nonresidential Facilities.

The maximum density and ~~Floor Area~~Floor Area Ratio (FAR) requirements prescribed in the applicable individual zone regulations shall be subject to the following methods for calculating the portion of lot area used in computing density:

A. ~~Portion of Lot Area Used in Computing Density in the Central Business District and Jack London District~~all zones. For mixed use projects in ~~the Central Business District and Jack London District~~all 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. ~~(The Central Business District is that area identified as part of the Land Use and Transportation Element Land Use Diagram of the General Plan. The Jack London district is that area identified as part of the Estuary Policy Plan and adopted as part of the General Plan).~~

B. ~~Portion of Lot Area Used in Computing Density in Areas other than the Central Business District and Jack London District.~~ For mixed use projects located in areas other than the Central Business District and Jack London district, in which a maximum Floor Area Ratio (FAR) is generally prescribed for Nonresidential Facilities, no portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through such FAR, the maximum amount of floor area for any Nonresidential Facility on the same lot, unless the total Nonresidential floor area on the lot is less than three thousand (3,000) square feet.

BC. Different ~~Floor Area~~Floor Area Ratios. In all zones in which the maximum ~~Floor Area~~Floor Area Ratio (FAR) generally prescribed for Residential Facilities is different from that for Nonresidential Facilities, the overall maximum FAR of any lot containing both Residential and Nonresidential Facilities shall be the greater of the two prescribed FARs. However, the total floor area actually devoted to each class of facility shall not exceed the maximum ratio prescribed for that class.

17.106.050 Use permit criteria for increased density or ~~Floor Area~~Floor Area Ratio with acquisition of ~~abutting~~nearby development rights.

A conditional use permit for an increase in the number of allowed living units or ~~Floor Area~~Floor Area Ratio (FAR) upon acquisition of nearby~~the~~ development rights of lots within three hundred (300) feet of the subject development site, ~~wherever such increase is provided for in the applicable individual zone regulations~~, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

A. That the applicant has acquired development rights from the owners of ~~abutting~~ lots within three hundred (300) feet of the subject development site, restricting the number of living units or the amount of floor area which may be developed thereon so long as the facilities proposed by the applicant are in existence;

B. That the owners of all such ~~abutting~~nearby lots shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;

C. That the resultant reduction in potential number of living units or amount of floor area on ~~the abutting~~ such nearby lots is sufficient in amount and is so located as to cause the net effect upon the surrounding neighborhood to be substantially equivalent to that of the development which would be allowable otherwise.

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

17.108.010 Height restrictions on lots abutting property in an RH, RD, or RM Zone.

In the RU, R-80, S-1, S-2, S-3, and S-15 Zones and all Commercial and Industrial Zones Unless specified otherwise in the applicable individual zone, the following special height restriction regulations shall apply to every lot therein in an RU-1, R-80, S-1, S-2, S-3, S-15, Commercial, or Industrial Zone which abuts any lot located in an RH, RD, or RM Zone:

A. Where Side Lot Line Is Abutting Zone Boundary. Where an interior side lot line of the former lot abuts a RH, RD, or RM Zone, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back there from the inner line of the minimum side yard which is required by Section 17.26.140.C or 17.108.090 as applicable, or from the abutting portion of the lot line where such yard is not required, a minimum horizontal distance equal to one (1) foot for each foot by which it extends above that height if the principal building on the abutting lot has a height of thirty (30) feet or less. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback or lot line.

B. Where Rear Lot Line Is Along Zone Boundary. Where the rear lot line of the former lot abuts an RH, RD, or RM Zone, no building or other facility shall, except for the projections allowed by Section 17.108.030, exceed thirty (30) feet in height unless each portion above that height is set back there from the inner line of the minimum rear yard which is required by Section 17.108.100, or is required on every lot by the applicable individual zone regulations, or from the abutting portion of the lot line where such yard is not required, a minimum horizontal distance equal to one (1) foot for each foot by which it extends above that height if the principal building on the abutting lot has a height of thirty (30) feet or less. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback or lot line.

17.108.020 Different maximum height in certain situations.

General Height for Civic Facilities with Increased Yards. On parcels in the RH, RD, RM, RU, CN, CC, CR, HBX, M-20, S-15, OS, D-CO, and D-CE Zones that have a height limit of less than ~~seventy-five (75)~~ ninety-five (95) feet, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations, have a height of up to ~~seventy-five (75)~~ ninety-five (95) feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 if the minimum depth or width, as the case may be, of each front, side, and rear yard, if any, otherwise required is increased for such facility by one (1) foot for each foot by which the facility exceeds the aforesaid maximum height. To the extent allowed by the conditional use permit, the greater height authorized by this Subsection may be exceeded by the projections allowed by Section 17.108.030.

17.108.080 Minimum side yard opposite living room windows.

On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other

than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of ~~eight (8)~~ four (4) feet, plus ~~two (2) feet one (1) foot~~ for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the ~~RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-LM, D-CO, S-1, S-2, S-15, and D-KP Zones~~ and ~~fifteen percent (15%) of the lot width in all other Zones~~, except that in no case shall such side yard width be less than ~~five (5)~~ four (4) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than ~~eight (8)~~ five (5) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

17.108.120 Minimum court between opposite walls on same lot.

On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, courts with the minimum depths prescribed below shall be provided in the cases specified hereinafter between opposite exterior walls, or portions thereof, of the same or separate buildings on such lot. Courts are not required on other lots or in other situations. The aforesaid walls shall be considered to be opposite one another if a line drawn in a horizontal plane perpendicularly from any portion of any of the legally required windows referred to hereinafter, or from any point along the wall containing such window, or any extension of such wall on the same lot, on the same story as and within ~~eight (8)~~ five (5) feet in either direction from the centerline of said legally required window, intersects the other wall. The courts required by this Section shall be provided opposite each of the legally required windows referred to hereinafter and along the wall containing such window, and along any extension of such wall on the same lot, for not less than ~~eight (8)~~ five (5) feet in both directions from the center line of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

A. Legally Required Living Room Windows in Either or Both Walls. If either or both such opposite walls contain any legally required window of any living room in a Residential Facility, a court shall be provided between such walls with a minimum horizontal depth equal to ~~sixteen (16)~~ fifteen (15) feet plus ~~four (4) two (2)~~ feet for each story above the level of the aforementioned court, but shall not be required to exceed ~~forty (40)~~ twenty-five (25) feet.

17.108.130 Exceptions to required openness of minimum yards and courts.

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
D. Bay windows, if the aggregate width of bay windows on any one story does not exceed fifty percent (50%) of the length of the wall containing them; and if no individual bay window exceeds fifteen (15) feet in width.	Three (3) feet into above yard, though not to within five (5) feet of the front lot line for <u>One-Family</u> or <u>Two- to Four-Family Residential Facilities</u> .	Three (3) feet into above yard, though not to within five (5) feet of the front lot line for <u>One-Family</u> or <u>Two- to Four-Family Residential Facilities</u> .		Five (5) feet into above yard.	

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<p>E. Balconies, decks, and similar structures projecting from and serving Residential Facility and having a height, including railings, of more than six (6) feet above the finished grade of the required yard or level of the required court, but excluding corridors and similar facilities providing access to two (2) or more living units; provided that such structures are cantilevered or supported by necessary columns; and further provided that such structures are unroofed, except that a balcony or deck projecting from a higher story shall not be deemed a roof.</p>	<p>Six (6) feet into above yard, though not to within five (5) feet of the front lot line for <u>One-Family</u> or <u>Two- to Four-Family</u> Residential Facilities.</p>	<p>Five (5) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.</p>	<p>Five (5) feet into above yard, though not to within five (5) feet of interior side lot line; but may extend any distance if they meet the same provisos as stated in Subsection K.</p>	<p>Six (6) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.</p>	

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
F. Exterior access facilities which lead to the second or higher story of a building, including open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps.	Four (4) feet into above yard, but may extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Four (4) feet into above yard, but may extend any distance if they meet the same provisions as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Any distance into above yard if they meet the same provisions as stated in Subsection K. (not allowed otherwise) <u>or if they are required to accommodate wheelchair ramps or similar ADA access facilities.</u>	Four (4) feet into above yard, but may extend any distance if they meet the same provisions as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	
U. Detached Category Two Accessory Dwelling Units.		Anywhere in above yards that <u>if the facility meets the criteria of Section 17.103.080, and if newly constructed, the facility is located at least six (6) feet from the primary dwelling unit on the lot. This requirement shall not apply if it precludes ADUs of a minimum size per Section 17.103.080.</u>			
<u>V. Other detached dwelling units not provided for elsewhere by this Section.</u>		<u>Anywhere in above yards if the facility meets the same criteria in Section 17.103.080 for detached Category Two Accessory Dwelling Units, and if newly constructed, is located at least six (6) feet from all other detached units on the lot.</u>			

Chapter 17.110 BUFFERING REGULATIONS

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

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

A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling or Two- to Four-Family Dwelling with Accessory Dwelling Units, and to all open off-street loading areas on any lot:

C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling or Two- to Four-Family Dwelling with Accessory Dwelling Units, shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

17.110.040 Special buffering requirements.

C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. In all zones except as otherwise provided in Section 17.103.080 for Accessory Dwelling Units, on any reversed corner lot which abuts a key lot located in any Residential Zone, no detached accessory building shall be located within ~~five (5)~~ four (4) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer to the street line on which the key lot fronts than a distance equal to one-half (1/2) of the minimum front yard depth required on the key lot, ~~unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot~~ but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.

Chapter 17.114 NONCONFORMING USES

17.114.050 Nonconforming Activity—Discontinuance.

A. Activity Nonconforming Because It Is Not a Permitted Activity. Other than: 1) an Alcoholic Beverage Sales Commercial Activity, 2) an Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BV Zones, or 3) Truck-Intensive Industrial Activities as defined in Section 17.103.065, Trucking and Truck-Related Industrial Activities, and Recycling and Waste-Related Industrial Activities in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones, whenever an activity that is nonconforming wholly or partly because it is not itself a permitted activity where it is located, occupies four hundred (400) square feet or more of floor area and hereafter discontinues active operation for a continuous period of one (1) year, or occupies less than four hundred (400) square feet of floor area and hereafter discontinues active operation for a continuous period of six (6) months, and the facilities accommodating or serving such activity are not utilized for another activity during such period, said facilities may thereafter be utilized only for a normally permitted or conditionally permitted activity pursuant to Subsection 17.114.070.A., except the former activity may be resumed after a longer period upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

D. Whenever a nonconforming Truck-Intensive Industrial Activities as defined in Section 17.103.065, Trucking and Truck-Related Industrial Activity, or Recycling and Waste-Related Industrial Activity in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones discontinues active operation for more than ~~ninety (90)~~ zero (0) days, ~~it may only be resumed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 based on purposeful abandonment, the right to continue the nonconforming use shall expire immediately upon discontinuance of use.~~ However, if another activity has replaced it, the former activity may thereafter only be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.

17.114.060 Nonconforming Activity—Damage or destruction.

B. **Nonconforming Residential Activities.** Facilities accommodating or serving a nonconforming Residential Activity which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter only be restored to accommodate or serve the prior nonconforming Residential Activity provided all of the following conditions are met:

1. That documentation is provided which substantiates that such damage or destruction occurred involuntarily with respect to the owner of said facility or unit(s);
2. That no expansion in the number of living units occurs;
3. That plans for the proposal are approved pursuant to the design review procedure in Chapter 17.136; and
4. That a building permit is sought and obtained no later than ~~two (2) years~~ three (3) years after the date of the facility's damage or destruction; the facility is repaired or replaced in

compliance with the building code; and construction pursuant thereto is diligently pursued to completion.

If all of the preceding requirements are not met, the replacement or restoration of such facilities may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.114.070 Nonconforming Activity—Allowed substitutions and other changes in activity.

A. **Activity Nonconforming Because It Is Not a Permitted Activity.** The activities specified in the following table may be substituted for any of the indicated activities which is nonconforming wholly or partly because it is not itself a permitted activity where it is located:

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
Any zone.	Any such activity.	Any activity otherwise permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, any activity otherwise conditionally permitted in the same location.
Any Residential Zone or S-1, S-2, or S-3 Zone.	Any such Industrial Activity where it is not a permitted or conditionally permitted activity.	Any <u>Commercial</u> Activity permitted in the CN-4 Zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	Research Service	(see below)
	General Wholesale Sales	(see below)
	Building Material Sales	(see below)
	Automobile and Other Light Vehicle Sales and Rental	(see below)
	Automotive and Other Light Vehicle Repair and Cleaning	(see below)

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
	Taxi and Light Fleet-Based Service	(see below)
	Animal Care	(see below)
	Animal Boarding	(see below)
	Undertaking Service	(see below)
	Scrap Operation	(see below)
		Any <u>Commercial</u> Activity permitted in the CC-2 Zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	General Food Sales	(see below)
	Full Service Restaurant	(see below)
	Limited Service Restaurant and Cafe	(see below)
	Fast-Food Restaurant	(see below)
	Convenience Market	(see below)
	Alcoholic Beverage Sales	(see below)
	Mechanical or Electronic Games	(see below)
	General Retail Sales	(see below)
	Consumer Service	(see below)
	Consumer Cleaning and Repair Service	(see below)

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
	Consumer Dry Cleaning Plant	(see below)
	Group Assembly	(see below)
	Personal Instruction and Improvement Services	(see below)
	Business, Communication, and Media Service	(see below)
	Broadcasting and Recording Service	(see below)
		Any Commercial Activity permitted in the CN-4 Zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activities:	
	Medical Service	(see below)
	Consultative and Financial Service	(see below)
	Administrative	(see below)
		Administrative Civic Activities. Administrative Commercial Activities. Medical Service. Consultative and Financial Service.
	Any other Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 Zone.
Any Commercial Zone.	Any <u>such Commercial or Industrial Activity</u> where it is not a permitted or	Any Commercial Activity permitted in the CC-2 Zone.

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
	conditionally permitted activity.	
Any Industrial Zone.	Any such Commercial <u>or</u> <u>Industrial</u> Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 Zone.

Chapter 17.124 LANDSCAPING AND SCREENING STANDARDS

Sections:

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

17.124.025 Required landscape plan for new Nonresidential Facilities and certain additions to Nonresidential Facilities.

17.124.030 Residential landscape requirements for street frontages.

17.124.045 Trash and Utility Screening.

17.124.070 Required materials and opacity.

~~17.124.110 Frequently planted tree species list for Oakland.~~

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

Excluding permitted Accessory Dwelling Units, sSubmittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit ~~excluding permitted Accessory Dwelling Units~~ outside any existing building envelope, and for additions to Residential Facilities of over ~~five hundred (500)~~ one thousand (1,000) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces, and the following:

17.124.025 Required landscape plan for new Nonresidential Facilities and certain additions to Nonresidential Facilities.

Submittal and approval of a landscape plan for the entire site and street frontage is required for the establishment of a new Nonresidential Facility and for additions to Nonresidential Facilities of over one thousand (1,000) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces and the standards for required landscaping and screening, including the following:

- A. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, street trees shall be provided to the satisfaction of the Director of City Planning, ~~as provided in Section 17.124.110.~~ Proposed street trees shall be approved by Tree Services and selected from the City's Master Street Tree List, as may be amended. ~~Frequently Planted Tree Species List. Alternative species may be approved by the Director of City Planning.~~ Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants.

17.124.030 Residential landscape requirements for street frontages.

All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.

- A. In addition to the general landscaping requirements set forth above, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of City Planning. Proposed street trees shall be approved by Tree Services and selected from the City's Master Street Tree List, as may be amended. Frequently Planted Tree Species List, as provided in Section 17.124.110. ~~Alternative species may be approved by the Director of City Planning.~~ Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants.

17.124.045 Trash and Utility Screening.

- A. Screening of Utility Meters. All utility meters shall be located either: 1) within a box set within a building; 2) on a non-street facing elevation; or, if locations 1 and 2 are not feasible, 3) on a street-facing elevation, but only if completely screened with vegetation from view from the public right-of-way.

17.124.070 Required materials and opacity.

Required landscaping, fences, and walls shall be composed of the materials prescribed in other provisions of the zoning regulations.

- A. Where trees are required, they shall be of a ~~species,~~ degree of maturity, and spacing prescribed by the Director, subject to the right of appeal from such determination pursuant to the administrative appeal procedure in Chapter 17.132.

~~17.124.110 Frequently planted tree species list for Oakland.~~

			4	2
No.	Botanical Name	Common Name	Size	H x S
1.	Arbutus unedo	Strawberry Tree	S	25x25
2.	Cercis canadensis	Eastern Redbud	S	25x25
3.	Lagerstroemia indica X L. fauriei	Grape Myrtle	S	30x20
4.	Photinia fraseri	Photinia	S	20x15

5.	<i>Prunus cerasifera</i> 'Thundercloud'	Purple Leaf Plum	S	30×20
6.	<i>Pyrus kawakamii</i>	Evergreen Pear	S	25×30
7.	<i>Rhus lancea</i>	African Sumac	S	20×20
8.	<i>Tristania laurina</i> 'Elegant'	Water Gum	S	25×20
9.	<i>Acer buergerianum</i>	Trident Maple	M	30×25
10.	<i>Aesculus carnea</i> 'Briotii'	Red Horsechestnut	M	40×35
11.	<i>Eriobotrya deflexa</i>	Bronze Loquat	M	20×20
12.	<i>Geijera parviflora</i>	Australian Willow	M	30×30
13.	<i>Ginkgo biloba</i> 'Saratoga' or 'Autumn Gold'	Maidenhair Tree	M	35×30
14.	<i>Koelreuteria bipinnata</i>	Chinese Flame Tree	M	30×30
15.	<i>Koelreuteria paniculata</i>	Golden Rain Tree	M	30×30
16.	<i>Laurus nobilis</i> 'Saratoga'	Saratoga Laurel	M	40×20
17.	<i>Magnolia grandiflora</i> 'Saint Mary'	Saint Mary Magnolia	M	20×20
18.	<i>Maytenus boaria</i> 'Green Showers'	Mayten Tree	M	30×25
19.	<i>Metrosideros excelsus</i>	New Zealand Christmas Tree	M	30×30
20.	<i>Olea europaea</i> 'Swan Hill'	Olive	M	40×40
21.	<i>Pyrus calleryana</i> 'Aristocrat'	Aristocrat Pear	M	40×30
22.	<i>Carpinus betulus</i> 'Fastigiata'	European Hornbeam	L	50×40
23.	<i>Fraxinus oxycarpa</i> 'Raywood'	Raywood Ash	L	35×25
24.	<i>Gliditsia triacanthos inermis</i> 'Shademaster'	Thornless Honey Locust	L	40×30
25.	<i>Nyssa sylvatica</i>	Sour Gum or Tupelo	L	50×25
26.	<i>Pistacia chinensis</i> 'Keith Davey' or 'Pearl Street'	Chinese Pistache	L	50×30
27.	<i>Platanus acerifolia</i> 'Yarwood'	London Plane	L	70×50
28.	<i>Podocarpus gracilior</i>	African Fern Pine	L	30×20
29.	<i>Quercus rubra</i>	Red Oak	L	50×40
30.	<i>Quercus coccinea</i>	Scarlet Oak	L	75×50

1. Size: (S) Small, (M) Medium, (L) Large

2. H × S: Height by Spread

Chapter 17.126 USABLE OPEN SPACE STANDARDS

17.126.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the ~~Standards for Required~~ Usable Open Space Standards. The purpose of these provisions is to prescribe standards for the development and maintenance of open areas which serve the need for leisure, recreation, and space. These standards shall apply to all usable open space required by other provisions of the zoning regulations, except as otherwise specified within the CBD, D-BV and D-LM Zones, and the S-17 Downtown Residential Open Space Combining Zone.

17.126.030 Group usable open space.

All required group usable open space shall be permanently maintained, shall be located on the same lot as the living units it serves, and shall conform to the following standards:

- B. **Location.** The space may be located anywhere on the lot ~~within twenty (20) feet of the living units served,~~ except that not more than twenty-five percent (25%) of the required area shall be located on the roof of any building other than an attached garage or carport, with the exception of property located within the S-15, CC, CN, and D-CO Zones where the space may be located anywhere on the lot and may be located entirely on the roof of any building on the site.

17.126.040 Private usable open space.

All required private usable open space shall be permanently maintained; shall be located, except as otherwise provided in Subsection B. of this Section, on the same lot as the living unit it serves; and shall conform to the following standards:

- B. **Location.** The space may be located anywhere on the lot, ~~except that ground-level space shall not be located in a required minimum front yard and~~ except that above-ground-level space shall not be located within ~~five (5)~~ four (4) feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All spaces shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served.
- C. **Size and Shape.** An area of contiguous ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than ten (10) feet. ~~An area of a~~ Above-ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than five (5) feet have no dimensional requirements. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.
- F. **Enclosure.** Ground-level space shall be screened from abutting lots, streets, alleys, and paths, and from abutting private ways described in Section 17.106.020, ~~and from other areas on the same lot by a building wall,~~ by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said Chapter. However, when such screening would impair a beneficial outward and open orientation or view, ~~with no building located opposite and within fifty (50) feet~~

~~from such required screening, as measured perpendicularly therefrom in a horizontal plane,~~ the above prescribed height may be reduced to three and one-half (3½) feet. Fences and walls shall not be so constructed as to interfere with the access required by applicable fire prevention regulations.

17.126.050 Plazas for Nonresidential Facilities.

Every plaza required for Nonresidential Facilities shall be permanently maintained, shall be located on the same lot as the facilities for which it is provided, and shall conform to the following standards:

- A. **Usability.** The plaza shall have an appropriate dust-free surface, and shall be suitable for walking, sitting, and similar activities. Off-street parking and loading areas, driveways, and service areas shall not be counted as plazas. At least ~~twenty-five percent (25%)~~ ten percent (10%) of the plaza area shall be occupied by planting, sculpture, pools, or similar features.
- C. **Size and Shape.** The plaza shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than ~~thirty (30)~~ fifteen (15) feet.

Chapter 17.130 ADMINISTRATIVE PROCEDURES GENERALLY

17.130.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the ~~General Regulations~~ Administrative Procedures Generally. The purpose of these provisions is to set forth certain regulations that may or shall, depending on the situation, apply to all provisions of procedures and administration (Chapters 17.130 through 17.148).

17.130.020 Alternative notification procedures.

- A. Number of Owners and Occupants Greater than ~~Five Hundred (500)~~ One Thousand (1,000). If the number of owners and occupants of real property to whom notice would be mailed or delivered pursuant to any provision of procedures and administration (Chapters 17.130 through 17.148) were to exceed ~~five hundred (500)~~ one thousand (1,000), the Director of City Planning may, at his or her discretion, use other alternative notification procedures deemed appropriate. Such decision may be appealed pursuant to the administration appeal procedure in Chapter 17.132.
- C. Notification of Adjoining Jurisdictions. Whenever a provision of procedures and administration (Chapters 17.130 through 17.148) results in an adjoining jurisdiction falling within an area in which notices are to be mailed or delivered to Oakland property owners and occupants, such notice shall also be mailed or delivered to the Director of City or County Planning, whichever the case may be, in said jurisdiction.

17.130.080 City Council consideration of legislative and adjudicatory actions.

When a development application requires both legislative and adjudicatory actions, the entire application shall be considered by the City Council for final action. The City Council has the authority to consider and revise as appropriate (accept, reject, or modify) the adjudicatory land use ~~decisions~~ recommendations of the Planning Commission, ~~regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use decisions.~~

Chapter 17.132 ADMINISTRATIVE APPEAL PROCEDURE

17.132.020 Appeal.

Within ten (10) calendar days after the date of any administrative determination or interpretation made by the Director of City Planning under the zoning regulations, an appeal from such decision may be taken to the City Planning Commission by any interested party. In the case of appeals involving ~~one or two-unit~~ One-Family or Two- to Four-Family Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. Such appeal shall be made on a form prescribed by the ~~City Planning~~ and Building Department and shall be filed with such Department and shall be accompanied by such a fee as specified in the City fee schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Director or Zoning Manager or wherein his or her decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review. Upon receipt of the appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof, ~~and, not less than~~ Not less than seventeen (17) days prior ~~thereto, give written notice~~ to the date of the Commission's or Committee's consideration of the appeal, written notice shall be given to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal.

17.132.030 Procedure for consideration.

In its review of an administrative appeal, the City Planning Commission or, if applicable, the Commission's Residential Appeals Committee shall consider the purpose and intent, as well as the letter, of the pertinent provisions, and shall affirm, modify, or reverse the Planning Director's or Zoning Manager's determination or interpretation. The decision of the Commission or Committee shall be final immediately, except as otherwise provided in Section 17.132.040.

17.132.040 Appeal to Council on transit line sign controls.

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an administrative appeal involving the provisions of Sections 17.104.040 or 17.114.150, an appeal from said decision may be taken to the City Council by any interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Planning Director and shall be filed with the Planning and Building Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council

shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission of the date set for consideration thereof, ~~and said Secretary shall, not~~ Not less than seventeen (17) days prior thereto, ~~give~~ written notice shall be given to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the Council shall review the purpose and intent, as well as the letter, of the pertinent provisions, and shall affirm, modify, or reverse the Commission's decision. The decision of the City Council shall be made by resolution and shall be final.

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

17.134.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Conditional Use Permit Procedure. The purpose of these provisions is to prescribe the procedure for the accommodation of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. This procedure shall apply to all proposals for which a conditional use permit is required by the zoning regulations.

17.134.020 Definition of Major and Minor Conditional Use Permits.

A. **Major Conditional Use Permit.** A Conditional Use Permit (CUP) is considered a Major Conditional Use Permit if it involves any of the following:

1. **Thresholds.** Any project requiring a conditional use permit that meets any of the following size thresholds:

a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;

b. Nonresidential projects involving more than twenty-five thousand (25,000) square feet of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, ~~D-BV~~, D-CO, or D-LM Zones;

~~c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:~~

~~i. Three (3) or more dwelling units in the RM-2 Zone;~~

~~ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.~~

~~d. Residential projects requiring a conditional use permit to exceed the basic or permitted density resulting in seven (7) or more dwelling units in the RU or CBD-R Zones.~~

~~ce. Large-Scale Developments.~~

~~i. Any development not involving a project with ten percent (10%) or more affordable units which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, D-CO, or D-LM Zones, and results in more than one hundred thousand (100,000) square feet of new floor area;~~

~~ii. Any development not involving a project with ten percent (10%) or more affordable units which is located in the R-80 or S-2 Zones, and results in more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height;~~

~~iii. Any development not involving a project with ten percent (10%) or more affordable units which is located in the CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, or CBD-X Zones, and results in 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 fifty (250) feet in height.

df. Projects that request to be considered for an exception to the D-LM Height/Bulk/Intensity Area standards, as described in Table 17.101G.04, Note 2.

2. **Uses.** Any project requiring a Conditional Use Permit that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty percent (20%):

a. Activities:

~~i. Residential Care Residential;~~

~~ii. Emergency Shelter Residential;~~

~~i. iii. Extensive Impact Civic;~~

~~ii. Special Health Care Civic;~~

~~iiiiv. Fast-food Restaurant Commercial;~~

~~iv. Convenience Market Commercial;~~

~~vi. Alcoholic Beverage Sales Commercial;~~

~~vii. Transient Habitation Commercial;~~

~~viii. Heavy/High Impact Industrial;~~

~~viiiix. Small Scale Transfer and Storage Hazardous Waste Management Industrial;~~

~~ix. Industrial Transfer/Storage Hazardous Waste Management Industrial;~~

~~xi. Mining and Quarrying Extractive;~~

~~xii. Special Health Care Civic Activities.~~

3. **Special Situations.** Any project requiring a Conditional Use Permit that involves any of the following situations:

a. A project requiring development of an Environmental Impact Report (EIR);

b. A single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any Residential Zone and occupies more than ~~five thousand (5,000)~~ seven thousand five hundred (7,500) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;

17.134.040 Procedures for consideration.

A. Major Conditional Use Permits.

1. In All Zones. An application for a major conditional use permit shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property involved in the application. Notice of the hearing shall also be given by mail or

delivery to all ~~persons shown on the last available equalized assessment roll as owning~~ owners and occupants of real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in ~~said records on the last available equalized assessment roll~~ shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to other applicable use permit criteria, and may grant or deny the application for the proposed conditional use permit or require such changes or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations and ensure conformity to said criteria. The determination of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.134.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

B. Minor Conditional Use Permits.

1. In All Zones. An application for a minor conditional use permit shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission for decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in Subsection A. of this Section. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. Notice shall be given by posting an enlarged notice on the premises of the subject property involved in the application; notice shall also be given by mail or delivery to all ~~persons shown on the last available equalized assessment roll as owning~~ owners and occupants of real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in ~~said records on the last available equalized assessment roll~~ shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director. Any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence: (a) to the Director prior to the close of the written public comment period for his or her consideration, or (b) to the Commission while the hearing is open for its consideration, whichever is applicable; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Director shall determine whether the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to other

applicable use permit criteria, and may grant or deny the application for the proposed conditional use permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in his or her judgment necessary to carry out the purposes of the zoning regulations and ensure conformity to said criteria. The determination of the Director of City Planning shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.134.060. In those cases which are referred to the Commission by the Planning Director, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.134.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented (a) to the Director prior to the close of the written public comment period, or (b) to the Commission prior to the close of the Commission's public hearing on the matter, whichever is applicable, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17.134.050 General use permit criteria.

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all the following general use permit criteria, as well as to all other applicable use permit criteria:

- F. For proposals involving a One-Family or Two- to Four-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, maximum lot coverage, or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:
 - 1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street ~~with respect to solar access, view blockage and privacy~~ to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

17.134.060 Appeal to Planning Commission—Minor Conditional Use Permits.

Within ten (10) calendar days after the date of a decision by the Director of City Planning on an application for a minor conditional use permit, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving ~~one- or two-unit~~ One-Family or Two- to Four-Family Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the

record, previously presented to the Director of City Planning prior to the close of the written public comment period on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof; ~~which in the case of applications limited to one or two-unit Residential Facilities, shall be the date of the Committee's next regularly scheduled meeting following the thirtieth day after the appeal is filed.~~ Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, ~~the Secretary shall give written notice~~ shall be given to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to any other applicable use permit criteria, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations and ensure conformity to said criteria. The decision of the Commission or, if applicable, the Committee shall be final.

17.134.080 Adherence to approved plans.

- A. A Conditional Use Permit shall be subject to the plans and other conditions upon the basis of which it was granted. Except as indicated in Subsection B. below or unless a different termination date is prescribed, the permit shall terminate three (3) years two (2)-years from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been issued filed with the Planning and Building Department and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this approval, the Zoning Manager, or his or her designee, may grant up to a two-year extension of this date, with additional extensions subject to approval by ~~However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired.~~ Expiration of any necessary building permit for the project may invalidate the Conditional Use Permit approval if ~~such~~ said approval or extension period has also expired. If litigation is filed challenging this approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.
- B. In order to support implementation of the City's 2023-2031 Housing Element, the following shall supercede the applicable provisions in Subsection A. for the time period of January 31, 2023 to January 31, 2031:

1. A Conditional Use Permit granted for the creation of residential units between January 31, 2023 and January 31, 2026 shall terminate five (5) years from the effective date of its granting unless all necessary permits for construction, alteration, demolition, or removal, as the case may be, have been filed with the Planning and Building Department and diligently pursued towards completion within such period. Upon written request and payment of appropriate fees submitted no later than the expiration date of this approval, the Zoning Manager, or his or her designee, may grant up to a three-year extension of this date; and
2. A Conditional Use Permit granted before January 31, 2023 for the creation of residential units that has not expired before that date shall be granted an automatic extension to January 31, 2028. Upon written request and payment of appropriate fees submitted no later than the expiration date of this approval, the Zoning Manager, or his or her designee, may grant up to a three-year extension of this date.

17.134.130 Termination of a Conditional Use Permit

- A. A Conditional Use Permit (CUP) granted pursuant to the provisions of this Chapter that permits an activity shall not be of any force or effect if the following is true:
 1. With the exception of closures required to repair damage or destruction to the facility containing the activity, the subject activity is nonresidential and has ceased, or has been suspended, for a consecutive period of ~~two (2)~~ three (3) or more years. In the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones, the subject Truck-Intensive Industrial Activity (as defined in Section 17.103.065) has ceased, or has been suspended, for a consecutive period of six (6) or more months.
- B. A single, one-year extension of the period described in subsection (A) may be granted by, and at the discretion of, the Director of the Bureau of Planning, or his or her designee. The request for the extension shall be: 1) in writing, 2) made by the applicant or owner of the subject site, and 3) made prior to the ~~two (2)~~ three (3) year period described in subsection (A). Notwithstanding the above, no extension request shall be granted for Truck-Intensive Industrial Activities (as defined in Section 17.103.065) in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

Chapter 17.140 PLANNED UNIT DEVELOPMENT PROCEDURE

17.140.030 Preliminary Planning Commission action.

An application for a Planned Unit Development (PUD) permit shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property. Notice of the hearing shall also be given by mail or delivery to all owners and occupants of persons shown on the last available equalized assessment roll as owning real property within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown on the last available equalized assessment roll in such records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. If, however, the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement these procedures. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 17.140.080 and to the Planned Unit Development regulations in Chapter 17.142, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations and ensure conformity to said criteria and regulations. In so doing, the Commission may, in its discretion, authorize submission of the final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. The determination of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17.140.040 Submission of final development plan.

~~Within two (2) years a~~After the approval or modified approval of a preliminary development plan, the applicant shall file with the City Planning Department a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 17.140.030, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary development plan plus the following: the location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements; and grading or earth-moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall also be submitted.

~~If the final plan, meeting the requirements stated in this section, is not submitted within two (2) years after the date of approval or modified approval of the preliminary development plan, whether approved by operation of law or otherwise, the preliminary development plan shall be considered void.~~

17.140.060 Final Planning Commission action.

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for approval of a preliminary or final development plan, or for modification or amendment of any such plan, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Planning Director and shall be filed with the Planning and Building Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission of the date set for consideration thereof, ~~and said Secretary shall,~~ Not less than seventeen (17) days prior thereto, give written notice shall be given to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable criteria and standards, and may approve or disapprove the proposed development or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations and ensure conformity to said criteria and standards. The decision of the City Council shall be made by resolution and shall be final.

17.140.070 Appeal to Council.

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for approval of a preliminary or final development plan, or for modification or amendment of any such plan, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the Planning and Building Department, City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof. ~~and said Secretary shall,~~ Not less than seventeen (17) days prior thereto, give written notice shall be given to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable criteria and standards, and may approve or disapprove the proposed development or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations and ensure conformity to said criteria and standards. The decision of the City Council shall be made by resolution and shall be final.

17.140.110 Adherence to approved plan, and modification thereof.

The applicant shall agree in writing to be bound, for himself or herself and his or her successors in interest, by the conditions prescribed for approval of a Planned Unit Development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of City Planning

if such changes are consistent with the purposes and general character of the development plan. Proposed extensions to the one-year time limit imposed by Section 17.140.040 and proposed extensions of revisions of the stage development schedule, upon application filed at any time before said period has expired, shall be referred to the City Planning Commission, and the Commission may approve, modify, or deny such proposals. The decision of the Commission is appealable to the City Council. ~~All other~~ modifications, including ~~extensions or~~ revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

Chapter 17.142 PLANNED UNIT DEVELOPMENT REGULATIONS]

17.142.004 Applicability.

These regulations shall apply to all:

- ~~A. Mini-Lot Planned Unit Developments (Mini-Lot PUDs) located on a single tract of land of less than sixty thousand (60,000) square feet, and containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located; and~~
- AB. Planned Unit Developments (PUDs) located on a single tract of land of ~~sixty thousand (60,000)~~ thirty thousand (30,000) square feet or more, or on two (2) or more tracts of land equaling ~~sixty thousand (60,000)~~ thirty thousand (30,000) square feet or more in total which may be separated only by a street or other right-of-way.

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

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

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

~~See Section 17.103.080.A.14 for requirements for ADUs within Mini-Lot Planned Unit Developments (Mini-lot PUDs). Subject to the provisions of this article, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a Mini-Lot PUD, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134 and upon determination:~~

- ~~1. That there is adequate provision for maintenance of the open space and other facilities within the development; and~~
- ~~2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.~~
 - ~~a. ADUs are allowed on individual Mini-Lots that permit Permanent Residential Activities, and in conjunction with an existing or proposed primary Residential Facility. If, however, any shared interest element of a previously approved Mini-Lot development would be modified or impacted by the ADU's construction, the application shall be considered through a revision of the Mini-Lot PUD permit; in which case, the review time for the ADU application shall be extended to coincide with the review time of the revision.~~
 - ~~b. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also for the RM-2 Zone in~~

~~the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination:~~

- ~~i. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty five (35) feet or less.~~

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

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

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

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

17.142.020 Definition of Planned Unit Development.

A "Planned Unit Development" (PUD) is a large, integrated development adhering to a comprehensive plan and located on a single tract of land of ~~sixty thousand (60,000)~~ thirty thousand (30,000) square feet or more, or on two (2) or more tracts of land equaling ~~sixty thousand (60,000)~~ thirty thousand (30,000) square feet or more in total which may be separated only by a street or other right-of-way. In developments that are approved pursuant to the Planned Unit Development regulations in this Chapter, certain uses may be permitted in addition to those otherwise allowed in the underlying zone, certain of the other regulations applying in said zone may be waived or modified, and the normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.142.030 Developments for which Planned Unit Development permit approval is required or requested.

- A. The following developments are permitted only upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140.
 1. Any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.
 2. Any integrated development which is primarily designed for or occupied by Commercial Activities, which is located in any Commercial Zone, and which is developed under unified control, in accordance with a comprehensive plan, on a single tract with ~~sixty~~

~~thousand (60,000)~~ thirty thousand (30,000) square feet or more of land area, or on two (2) or more tracts which total such area and which are separated only by a street or other right-of-way.

- B. Unless required by the Planning Director, other large, integrated developments involving the same minimum land area thresholds of a Planned Unit Development, as defined in Section 17.142.020, are permitted without such a permit. However, an applicant for such a development may request a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140, ~~but shall be subject to all regulations generally applying in the zone in which they are located.~~

17.142.090 Minimum size for which bonuses may be granted.

The minimum total land area of any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100 shall be four (4) acres in the RH and ~~RD-1~~ Zones, and ~~sixty thousand (60,000)~~ thirty thousand (30,000) square feet in all other zones ~~except the CC-1 Zone. In the CC-1 Zone, the minimum total land area shall be four (4) acres for any Planned Unit Development incorporating any of the bonuses set forth in Subsection 17.142.100.E, and sixty thousand (60,000) square feet for any other Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.~~

17.142.100 Bonuses.

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

- A. Additional Permitted Activities Where Increase in Overall Density or Floor-Area Ratio (FAR) Is Proposed. Except in the RH and ~~RD-1~~ RD Zones, the following activities, as described in the use classifications in Chapter 17.10, may be permitted in a Planned Unit Development incorporating an increase in overall density or Floor-Area Ratio pursuant to Subsection E. of this Section, in addition to the activities generally permitted in the zone where the development is located:

1. Civic Activities:

Limited Child-Care

Community Education

2. Commercial Activities, provided that such activities shall not occupy in the aggregate more than five percent (5%) of the total floor area in such development, and further provided that the maximum floor area devoted to such activities by any single establishment shall be three thousand (3,000) square feet, and further provided that such activities shall not be permitted at all in any such development which has an overall density in Residential Facilities of less than forty (40) living units per net residential acre (excluding streets and other rights-of-way):

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

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

Medical Service

- B. Further Additional Permitted Activities Where No Increase in Overall Density or Floor-Area Ratio Is Proposed. Except in the RH and ~~RD-1~~ RD Zones, the following activities, as described in the use classifications, may be permitted in a Planned Unit Development for which no increase in overall density or Floor-Area Ratio is proposed pursuant to Subsection E. of this Section, in addition to the activities listed in Subsection A. of this Section and in addition to the activities generally permitted in the zone in which the development is located. The special limitations prescribed in Subsection A.3. of this Section with respect to location and amount of floor area devoted to Commercial Activities shall not apply in such a development.

1. Residential Activities:

Semi-Transient

2. Civic Activities:

Health Care (Nursing Home)

Recreational Assembly

Nonassembly Cultural

Administrative

Utility and Vehicular

3. Commercial Activities:

Mechanical or Electronic Games

General Retail Sales

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

Consultative and Financial Service

Consumer Cleaning and Repair Service

~~Consumer Dry-Cleaning Plant~~

Group Assembly

Personal Instruction and Improvement Services
Administrative
Business, Communication, and Media Service
Broadcasting and Recording Service
Research Service
General Wholesale Sales
Automobile and Other Light Vehicle Gas Station and Servicing
Automotive Fee Parking
Animal Care
Animal Boarding

4. Industrial Activities:

Custom Manufacturing

- C. Additional Permitted Facilities in the RH Zones without the S-9 Combining Zone RH-4 and RD-1 Zones. In the RH Zones without the S-9 Combining Zone RH-4 and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in said zone, provided that at least fifty percent (50%) of the dwelling units in the total development shall be One-Family Dwellings:

1. Residential Facilities:

Two- to Four-Family Dwelling

Multifamily Dwelling

- D. Additional Permitted Facilities in Other Zones. Except in the RH Zones with the S-9 Combining Zone, and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in the zone in which the development is located:

1. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

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

1. Except in the RH and RD-1 Zones with the S-9 Combining Zone, and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up

to thirty-three percent (33%) if the overall development contains a combination of two (2) or more of the following dwelling types and if not more than two-thirds (2/3) of the total number of living units are included in any one of such types:

- a. Detached buildings each containing only one living unit;
 - b. Town house or similar ~~One Family~~ semi-detached or attached buildings each containing only one (1) or two (2) living units;
 - c. Buildings each containing two (2) to four(4) living units;
 - d. Buildings each containing five (5) or more ~~than two (2)~~ living units.
2. Except in the RH and RD-4 Zones with the S-9 Combining Zone, and ~~except in a development incorporating the bonuses specified in Subsection B. of this Section~~, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to twenty-five percent (25%) in a development other than one described in Subsection E.1. of this Section.
- F. Distribution of Facilities without Reference to Lot or Block Line. The overall number of living units and amount of floor area, off-street parking and loading facilities, usable open space, and landscaping and screening may be located within the development without reference to lot lines or blocks, except as otherwise provided in Subsection 17.142.110.I and except that required parking spaces serving Residential Activities shall be located within two hundred (200) feet of the building containing the living units served.
- G. Waiver or Reduction of Yard and Other Dimensional Requirements. Except as otherwise provided in Subsection 17.142.110.CE, the minimum lot area, width, and frontage; height; and yard requirements otherwise applying may be waived or modified for the purpose of promoting an integrated site plan.
- H. Limitations on Signs. Except in the RH and RD-4 Zones and except in a development incorporating an increase in density or Floor-Area Ratio pursuant to Subsection E. of this Section, Signs may be developed subject to the limitations prescribed therefor in the ~~CC-4~~ CC-2 Zone rather than those in the zone in which the development is located.

17.142.110 Development standards.

The following regulations shall apply to all developments for which a permit is required by Section 17.142.030:

- A. Density and Floor-Area Ratio (FAR) Calculation. The maximum overall number of living units in Residential Facilities and the maximum overall Floor Area ~~Floor-Area~~ Ratio, if any, shall be based on the land area within the development, excluding the following:
 1. Publicly dedicated land area, including but not limited to streets, freeways, alleys, parks, and paths;.
 2. ~~When computing density for Residential Facilities in the RH, RD, or RM Zones, the~~ following:

- a. ~~Land, other than public housing sites, which is publicly owned or reserved for public ownership,~~
 - b. ~~Land which is specifically devoted to or intended for Nonresidential Facilities.~~
- B. Density in the RH~~1~~ and RD~~4~~ Zones. In the RH and RD ~~4~~ Zones, the maximum number of dwelling units shall be as prescribed in said zones ~~one (1) unit for each forty three thousand five hundred sixty (43,560) square feet of land area as described in Subsection A. of this Section. In the RH 2 Zones, the maximum number of dwelling units shall be one (1) unit for each twenty five thousand (25,000) square feet of land area as described in Subsection A. of this Section. In the RH-3 Zone, the maximum number of dwelling units shall be one (1) unit for each twelve thousand (12,000) square feet of land area as described in Subsection A. of this Section. In the RH-4 Zone, the maximum number of dwelling units shall be one (1) unit for each eight thousand (8,000) square feet of land area as described in Subsection A. of this Section. In the RD-1 Zone, the maximum number of dwelling units shall be one (1) unit for each five thousand (5,000) square feet of land area as described in Subsection A. of this Section.~~
- C. Height in the RH and RD ~~RH-4 and RD-1~~ Zones. In the RH and RD ~~RH-4 and RD-1~~ Zones, no building shall exceed the normally required maximum height, fifty (50) feet in height, except as would otherwise be allowed by Subsection 17.108.020.A and except for the same projections as are allowed by Section 17.108.030.
- E. Yards and Courts. Subject to the provisions of this article, the minimum yard and court requirements otherwise applying to individual lots may be waived or modified within a PUD, and other facilities may be located within said development without reference to lot lines. ~~Yards and courts shall be provided of such depth and width as to provide the same minimum separation between walls of Residential Facilities or between such facilities and the walls of other facilities, regardless of whether such walls are on the same or on separate lots, as is generally required in the RU-2 Zone for courts between such walls when located on the same lot.~~
- F. Usable Open Space. In the RH-1, RH-2 and RH-3 Zones, ~~two hundred (200) square feet of group usable open space per dwelling unit and three hundred (300) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities; and in the RH-4 and RD-1 Zones, two hundred (200) square feet of group usable open space per dwelling unit and one hundred (100) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities.~~ In any other zone, developments incorporating an increase in overall density or Floor Area Floor-Area Ratio pursuant to Subsection 17.142.100.E shall provide usable open space for Residential Facilities in the amount required in the individual zoning chapters and in Chapter 17.126, and private usable open space may be substituted for required group space in the ratio prescribed in said chapters.

Chapter 17.144 REZONING AND LAW CHANGE PROCEDURE

Chapter 17.148 VARIANCE AND EXCEPTION PROCEDURE

17.148.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Variance and Exception Procedure. The purpose of these provisions is to prescribe the procedure for the relaxation of any substantive provision of the zoning regulations, under specified conditions, so that the public welfare is secured and substantial justice done most nearly in accord with the intent and purposes of the zoning regulations. This procedure shall apply to all proposals to vary the strict requirements of the zoning regulations.

17.148.020 Definition of Major and Minor Variances and Minor Zoning Exceptions.

- A. **Major Variance.** A "Major Variance" is ~~a variance~~ the relaxation of a specific requirement in the zoning regulations which involves any of the following provisions:
1. Allowable activity types or facility types;
 2. Maximum number of living units;
 3. Minimum lot area, except in the situation mentioned in Section 17.106.010.B;
 4. Maximum Floor Area ~~Floor-Area~~ Ratio (FAR), except for One-Family Dwellings and Two-to Four-Family Dwellings;
 5. Maximum size of Commercial or Industrial establishments;
 - ~~6. Restriction on over-concentration of Residential Care and Emergency Shelter Residential Activities as set forth in Subsection 17.103.010.B.~~
- B. **Minor Variance.** A "Minor Variance" is ~~a variance~~ the relaxation of a specific requirement in the zoning regulations which does not involve any of the provisions listed in Subsection A. of this Section and exceeds the allowance for minor zoning exceptions in Subsection C. of this Section.
- C. **Minor Zoning Exceptions.** A "Minor Zoning Exception" is the relaxation of a specific requirement in the zoning regulations which does not result in more than a ten percent (10%) deviation from an applicable numeric zoning standard or involve any of the provisions listed in Subsection A. of this Section.

17.148.030 Application.

In all zones, application for a variance or zoning exception shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning and Building Department and shall be filed with such Department. The application shall be accompanied by such information, including but not limited to, site and building plans, drawings and elevations, and operational data, as may be required to permit the review of the proposal in the context of the required findings, and by the fee prescribed in the fee schedule in Chapter 17.150.

17.148.040 Procedure for consideration.

A. Major Variances.

1. In All Zones. An application for a ~~M~~major ~~V~~variance shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property involved in the application. Notice of the hearing shall also be given by mail or delivery to all owners and occupants of persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown on the last available equalized assessment roll in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out ~~promote~~ the purposes of the zoning regulations. The decision of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

B. Minor Variances.

1. In All Zones. An application for a ~~M~~minor ~~V~~variance shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in Subsection A. of this Section. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. At his or her discretion, an administrative hearing may be held. Notice shall be given by posting an enlarged notice on the premises of the subject property involved in the application; notice shall also be given by mail or delivery to all owners and occupants of persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown on the last available equalized assessment roll in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director. Any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence: (a) to the Director prior to the close of the written public comment period for his or her consideration, or (b) to the Commission while the hearing is open for its consideration, whichever is applicable; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Director shall determine

whether the conditions required in Section 17.148.050 are present, and may grant or deny the application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in his or her judgment necessary to carry out ~~promote~~ the purposes of the zoning regulations. The decision of the Director of City Planning shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.148.060. In those cases which are referred to the Commission by the Director, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.148.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented (a) to the Director prior to the close of the written public comment period, or (b) to the Commission prior to the close of the Commission's public hearing on the matter, whichever is applicable, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

C. Minor Zoning Exceptions.

1. In All Zones. An application for a Minor Zoning Exception shall be considered by the Zoning Manager, or his or her designee. The Zoning Manager, or his or her designee, shall determine whether the proposal meets the requirements for a Minor Zoning Exception as set forth in this Chapter. At the time of Minor Zoning Exception application, the owner of the affected property, or his or her authorized agent, shall obtain from the Planning and Building Department, a notice poster to install on the project site; and a Notice to Neighboring Properties form which includes the project description and contact information. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by mail or delivery a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work) to all owners and occupants of the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site. All required posting of the site and notification of adjacent and across the street property owners and occupants shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning and Building Department shall receive and consider comments from any interested party. The Zoning Manager, or his or her designee, may approve or disapprove a Minor Zoning Exception proposal and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to carry out the purposes of the zoning regulations. The decision by the Zoning Manager, or his or her designee, shall be final immediately and not appealable.

17.148.050 Findings required.

- A. With the exception of variances for Adult Entertainment Activities or Sign Facilities, a variance may be granted only upon determination that all of the following conditions are present:
 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners and occupants of similarly zoned property; or, as an alternative in the case of a Minor Vvariance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the ~~regular~~ design review criteria set forth in the design review procedure in Chapter 17.136. at Section 17.136.050.
 7. For proposals involving One-Family Residential Facilities ~~one (1) or two (2) residential dwelling units~~ on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:
 - b. Over sixty percent (60%) of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.
- B. A variance for Adult Entertainment Activities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:
2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners and occupants of similarly zoned property;
- C. A variance for Sign Facilities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:
2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners and occupants of similarly zoned property; and
- D. A Minor Zoning Exception shall be granted upon a determination that:
1. That the elements of the proposal requiring the Minor Zoning Exception (e.g., elements such as buildings, walls, fences, driveways, garages, carports, etc.) conform with the applicable design review criteria set forth in the design review procedure in Chapter 17.136.

17.148.060 Appeal to Planning Commission—Minor Variances.

Within ten (10) calendar days after the date of a decision by the Director of City Planning on an application for a Minor Variance, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving One-Family or Two- to Four-Family ~~one or two-unit~~ Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning and Building Department and shall be filed with such Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and

evidence in the record, previously presented to the Director of City Planning prior to the close of the written public comment period on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, ~~the Secretary shall give~~ written notice shall be given to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the conditions required in Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations. The decision of the Commission or, if applicable, the Committee shall be final.

17.148.070 Appeal to Council—Major Variances.

- A. With the exceptions of appeals for Adult Entertainment Activities or for Signs, appeals to the City Council shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a Major Variance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Planning Director and shall be filed with the Planning and Building Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the date set for consideration thereof, ~~and said Secretary shall,~~ Not less than seventeen (17) days prior thereto, ~~give~~ written notice shall be given to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative

of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and may grant or deny an application for a variance or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations. The decision of the City Council shall be made by resolution and shall be final.

B. Appeals to the City Council relating to Adult Entertainment Activities or for Signs shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a Major Variance, an appeal from said decision may be taken to the City Council by the applicant, the holder of the variance, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Planning Director and shall be filed with the Planning and Building Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the date set for consideration thereof; ~~and said Secretary shall, n~~ Not less than seventeen (17) days prior thereto, given written notice shall be given to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the conditions required by Section 17.148.050 are present, and shall grant an application for variance if it determines that all the said criteria are present or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to carry out the purposes of the zoning regulations and ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal and must decide the appeal within sixty (60) days of the appeal being filed.

17.148.080 Adherence to approved plans.

- A. A variance or zoning exception shall be subject to the plans and other specified conditions upon the basis of which it was granted. Except as indicated in Subsection B. below or unless a different termination date is prescribed, the permit shall terminate three (3) two (2) years from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been filed with the Planning and Building Department and diligently pursued towards completion, issued, or the authorized activities have commenced in the case of a variance not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this approval, the Zoning Manager, or his or her designee, may grant up to a two-year extension of this date, with additional extensions subject to approval by ~~However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired.~~ Expiration of any necessary building permit for the project may invalidate the variance approval if said approval or extension period has also expired. If litigation is filed challenging this approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

- B. In order to support implementation of the City's 2023-2031 Housing Element, the following shall supercede the applicable provisions in Subsection A. for the time period of January 31, 2023 to January 31, 2031:
 - 1. A variance or zoning exception granted for the creation of residential units between January 31, 2023 and January 31, 2026 shall terminate five (5) years from the effective date of its granting unless all necessary permits for construction, alteration, demolition, or removal, as the case may be, have been filed with the Planning and Building Department and diligently pursued towards completion within such period. Upon written request and payment of appropriate fees submitted no later than the expiration date of this approval, the Zoning Manager, or his or her designee, may grant up to a three-year extension of this date; and

 - 2. A variance or zoning exception granted before January 31, 2023 for the creation of residential units that has not expired before that date shall be granted an automatic extension to January 31, 2028. Upon written request and payment of appropriate fees submitted no later than the expiration date of this approval, the Zoning Manager, or his or her designee, may grant up to a three-year extension of this date.

Exhibit 5:

Commercial Zone Code Amendments

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

Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

17.33.030 Permitted and conditionally permitted activities.

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Activities					
Permanent	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	17.103.010
Supportive Housing	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Transitional Housing	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Emergency Shelter	P(L5)	P(L5)	P(L5)	C(L1)(L3)	17.103.010 <u>17.103.015</u>
Semi-Transient	—	—	<u>P(L3)</u>	<u>P(L3)</u>	
Bed and Breakfast	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)	
Civic Activities					
Recreational Assembly	P(L2)	P(L2)	P(L6)	P(L6)	
Commercial Activities					

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
General Food Sales	P(L6)(L9)	P(L6)(L9)	P(L8)(L9)	P(L8)(L9)	
Full Service Restaurants	C(L4) P(L6)	P(L6)	P(L6)	P(L6)	
Limited- <u>Service</u> Restaurant and Cafe	C(L4) P(L6)	P(L6)	P(L6)	P(L6)	
Mechanical or Electronic Games	C(L4) P(L6)	C(L4) P(L6)	C(L4) P(L6)	C P(L6)	
Medical Service	P(L2)(L8)	P(L8)	P(L8)	P(L6)(L8)	
General Retail Sales	P(L6)(L9)	P(L6)(L9)	P(L9)	P(L9)	
Consumer Service	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	
Consultative and Financial Service	P(L2)(L11)	P(L11)	P(L6)	P(L6)	
Consumer Cleaning and Repair Service	P(L6)	P(L6)	P(L6)	P(L6)	
<u>Artisan Production</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Group Assembly	C(L4)(L12) P(L6)(12)	C(L4)(L12) P(L6)(12)	C(L4)(L12) P(L6)(12)	C(L4)(L12) P(L6)(12)	
Personal Instruction and Improvement Services	P(L2)	P(L6)	P(L6)	P(L6)	

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Research Service	C(L4) <u>P(L2)</u>	C(L4) <u>P(L2)</u>	P(L6)	P(L6)	
Industrial Activities					
Custom Manufacturing	C(L4)(L13)	C(L4)(L13)	C(L13)	C	

Limitations on Table 17.33.01:

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

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located within thirty (30) feet of the principal street frontage on the ground floor of a street-fronting building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, below.

L3. See Section 17.33.040 for limitations on the construction of new ground floor Residential Facilities.

L4. Any Conditional Use Permit (CUP) required in the above table or its associated limitations shall conform to the CUP criteria contained in Section 17.134.050 and to each of the following additional criteria:

- a1.** That the proposal will not detract from the character desired for the area;
- b2.** That the proposal will not impair a generally continuous wall of building facades;
- c3.** That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;

d4. That the proposal will not interfere with the movement of people along an important pedestrian street; and

e5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

L5. Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(2)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1, ~~L3,~~ and L4 above.

L6. The total floor area devoted to these activities on the ground floor by any single establishment ~~may shall~~ only exceed ~~five thousand (5,000) seven thousand five hundred (7,500)~~ square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L8. A Medical Service Commercial Activity that occupies more than ~~thirty five (35) fifty (50)~~ feet of frontage facing the principal street is not permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All ground floor window space of a Medical Service Commercial Activity facing the principal street shall be clear, non-reflective, and allow views into the indoor space.

L9. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure), except for grocery stores located within a food desert as defined in Section 17.09.040. Grocery stores in food deserts are not subject to CUP requirements and do not have a size threshold. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

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

L11. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located both on the ground floor of a building and within thirty (30) feet of the principal street frontage. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size ~~limitation threshold triggering the requirement~~ for a Conditional Use Permit described in L5-L6 above, shall apply to retail bank branches.

L13. Not permitted on the ground floor.

L15. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand

(1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L16. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

- a4.** The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.

L17. Community Gardens are permitted ~~outright~~ if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

17.33.040 Permitted and conditionally permitted facilities.

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two- <u>to Four</u> -Family Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	17.103.080
Multifamily Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	17.103.080
Rooming House	P(L2)	P(L2)	P(L3)	<u>P(L3)</u>	
Vehicular	P	P	P	P	<u>17.103.080</u> 17.103.085

Limitations on Table 17.33.02:

L2. Construction of new ground floor Residential Facilities is not permitted within thirty (30) feet of the principal street frontage except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

L3. Ground floor construction of new Residential Facilities within thirty (30) feet of the principal street frontage is only permitted ~~on interior lots and requires~~ upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). ~~New construction of ground floor Residential Facilities is not permitted on a corner lot.~~

17.33.050 Property development standards.

A. **Zone Specific Standards.** Table 17.33.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates a standard is not applicable to the specified zone.

Table 17.33.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum/Maximum Setbacks					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	2, 15
Maximum front	10 ft.	10 ft.	10 ft.	N/A	3, 15
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	4, 5, 15
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	6, 15
Rear (Residential Facilities)	10/15 ft. 10 ft.	10/15 ft. 10 ft.	10/15 ft. 10 ft.	10/15 ft. 10 ft.	7, 8, 15
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
Design Regulations					
Minimum separation between grade and ground floor living space	N/A	N/A	2.5 ft. N/A	2.5 ft. N/A	11

Additional Regulations for Table 17.33.03:

- Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, ~~the setback of the abutting portion of its side lot line is ten (10) feet~~ a side setback of six (6) feet is required. In the case where an interior side lot line abuts an interior side lot line in a RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts ~~a side yard of an interior side lot line of any lot located in an~~ RU-1 or RU-2 ~~lot Zone~~, a side setback of four (4) feet is required (see Illustration for Table 17.33.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.
- When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~twenty (20) ten (10) feet~~ of the reversed

corner lot is one-half (½) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

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

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

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

Regulation	Height Area						Additional Regulations
	35	35*	45	60 65	75	90 95	
Maximum Height	35 ft.	35 ft.	45 ft.	60 ft. 65 ft.	75 ft.	90 ft. 95 ft.	1, 2
Height Minimum							
Permitted height minimum	N/A	N/A	N/A	35 ft.	35 ft.	35 ft. 45 ft.	3
Conditionally permitted height minimum	N/A	N/A	N/A	25 ft.	25 ft.	25 ft. 35 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular Dwelling Units	550	Same density regulations as abutting RH, RD, or RM Zone. If abutting more than one zone, the zone that allows the	450	375 350	275	225 200	4, 5, 6

Regulation	Height Area						Additional Regulations
	35	35*	45	60 65	75	90 95	
		<u>greatest density prevails.</u>					
Rooming Units	275	Same density regulations as abutting RH, RD, or RM Zone. <u>If abutting more than one zone, the zone that allows the greatest density prevails.</u>	225	485 175	435	440 100	4, 5, 6
Efficiency Dwelling Units	275	Same density regulations as abutting RH, RD, or RM Zone. <u>If abutting more than one zone, the zone that allows the greatest density prevails.</u>	225	485 175	435	440 100	4, 5, 6
Maximum Nonresidential FAR	2.0	NA	2.5	3.0	4.0	4.0	4, 5, 6
Maximum Number of Stories (not including underground construction)	3	3	4	5 6	7	8	
Usable Open Space (square feet per residential unit)							
Group usable open space per Regular Dwelling Unit	450 75	Same open space regulations as abutting RH, RD, or RM Zone	450 75	450 75	450	450 75	6, 7

Regulation	Height Area						Additional Regulations
	35	35*	45	60 65	75	90 95	
Group usable open space per Regular Dwelling Unit when private open space substituted	30 20	Same open space regulations as abutting RH, RD, or RM Zone	30 20	30 20	30	20	6, 7
Group usable open space per Rooming Unit	75 38	Same open space regulations as abutting RH, RD, or RM Zone	75 38	75 38	75	50 38	6, 7
Group usable open space per Rooming Unit when private open space is substituted	45 10	Same open space regulations as abutting RH, RD, or RM Zone	45 10	45 10	45	10	6, 7
Group usable open space per Efficiency Dwelling Unit	75 38	Same open space regulations as abutting RH, RD, or RM Zone	75 38	75 38	75	50 38	6, 7
Group usable open space per Efficiency Dwelling Unit when private open space is substituted	45 10	Same open space regulations as abutting RH, RD, or RM Zone	45 10	45 10	45	10	6, 7

Additional Regulations for Table 17.33.04:

2. Buildings in the CN Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.33.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

~~5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential Floor Area Ratio (FAR) unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects.~~

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

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

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

Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

17.35.030 Permitted and conditionally permitted activities.

Table 17.35.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Activities				
Permanent	P(L2)(L3)	P(L2)(L3)	C(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.103.010
Supportive Housing	P(L2)(L3)	P(L2)(L3)	C(L3)	
Transitional Housing	P(L2)(L3)	P(L2)(L3)	C(L3)	
Emergency Shelter	C(L1)(L3) P(L1)(L4)	P(L1)(L4)	P(L1)(L4)	17.103.010 <u>17.103.015</u>
Semi-Transient	<u>P(L2)(L3)</u>	<u>P(L2)(L3)</u>	—	
Bed and Breakfast	C	C	C(L3)	17.10.125
Commercial Activities				
Mechanical or Electronic Games	C <u>P</u>	C <u>P</u>	C <u>P</u>	
Consumer Dry Cleaning Plant	P <u>C</u>	C	P <u>C</u>	
<u>Artisan Production</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Group Assembly	C(L8) <u>P(L8)(L14)</u>	C(L8) <u>P(L8)(L14)</u>	C(L8) <u>P(L8)(L14)</u>	
Building Material Sales	—	—	P(L11)	

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Automobile and Other Light Vehicle Sales and Rental	C	P(L9)(L11)	P(L11)	
Industrial Activities				
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	—	—	P(L11)	

Limitations on Table 17.35.01:

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

L2. Except as indicated in Subsection a. below, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building and within thirty (30) feet of the principal street frontage.

- a. Buildings not located within ~~twenty (20)~~ thirty (30) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this Conditional Use Permit requirement.

L3. See Section 17.35.040 for limitations on the construction of new Residential Facilities.

L4. Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within those portions of San Pablo Avenue and Webster Street corridors described in Section 17.103.015(A)(2)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 ~~and L3~~ above.

L6. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

L11. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within ~~three hundred (300)~~ five hundred (500) feet of an ~~RH, RD, or RM~~ Residential Zone.

L12. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L14. The total floor area devoted to these activities on any single lot shall only exceed seven thousand five hundred (7,500) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

17.35.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Facilities				
One-Family Dwelling	—(L1)	—(L1)	—(L1)(L7)	17.103.080
Two- <u>to</u> Four-Family Dwelling	P(L2)(L8)	P(L3)(L8)	—(L1)(L7)	17.103.080
Multifamily Dwelling	P(L2)(L8)	P(L3)(L8)	—(L1)(L7)	17.103.080
Rooming House	P(L2)	P(L3)	—(L7)	
Vehicular	P	P	—(L7)	<u>17.103.080</u> 17.108.085

Limitations on Table 17.35.02:

L3. Except as indicated in Subsection a. below, construction of new ground floor Residential Facilities within thirty (30) feet of the principal street frontage is not only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure):

- a. Buildings not located within ~~twenty (20)~~ thirty (30) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement.

17.35.050 Property development standards.

A. **Zone Specific Standards.** Table 17.35.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates a standard is not applicable to the specified zone.

Table 17.35.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum Lot Dimensions				
Lot Width mean	50 ft. <u>25 ft.</u>	25 ft.	25 ft.	1
Frontage	50 ft. <u>25 ft.</u>	25 ft.	25 ft.	1
Lot area	7,500 sf. <u>4,000 sf.</u>	4,000 sf.	4,000 sf.	1
Minimum/Maximum Setbacks				
Minimum front	0 ft.	0 ft.	0 ft.	2, 14
Maximum front	N/A	10 ft.	N/A	3, 14
Minimum interior side	0 ft.	0 ft.	0 ft.	4, <u>5</u> , 14
Minimum street side	0 ft.	0 ft.	0 ft.	6, 14
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	7, 8, 14
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8

Additional Regulations for Table 17.35.03:

4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, ~~the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet~~ a side setback of six (6) feet is required. In the case where an interior side lot line abuts ~~a side yard of~~ an interior side lot line of any lot located in an RM, RU-1 or RU-2 ~~lot~~ Zone, a side setback of four (4) feet is required (see Illustration for Table 17.35.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~twenty (20)~~ ten (10) feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot, ~~but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot~~ (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

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

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

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

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

Regulation	Height Area								Additional Regulations
	35	45	55	60 <u>65</u>	75	90 <u>95</u>	120 <u>125</u>	160 <u>175</u>	
Maximum Height	35 ft.	45 ft.	55 ft.	60 ft. <u>65</u> ft.	75 ft.	90 ft. <u>95</u> ft.	120 ft. <u>125</u> ft.	160 ft. <u>175</u> ft.	1, 2
Height Minimum									

Regulation	Height Area								Additional Regulations
	35	45	55	60 65	75	90 95	120 125	160 175	
Permitted height minimum	N/A	N/A	35 ft.	35 ft.	35 ft.	35 ft. 45 ft.	35 ft. 55 ft.	35 ft. 55 ft.	3
Conditionally permitted height minimum	N/A	N/A	25 ft.	25 ft.	25 ft.	25 ft. 35 ft.	25 ft. 45 ft.	25 ft. 45 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)									
Regular Dwelling Units	550	450	375 350	375 350	275	225 200	225 200	225 200	4, 5
Rooming Units	275	225	185 175	185 175	135	110 100	110 100	110 100	4, 5
Efficiency Dwelling Units	275	225	185 175	185 175	135	110 100	110 100	110 100	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	3.0	4.0	4.5	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	5	5 6	7	8	11 12	15 17	
Minimum Usable Open Space (square feet per residential unit)									
Group usable open space per Regular Dwelling Unit	150 75	150 75	150 75	150 75	150	100 75	100 75	100 75	6
Group usable open space per Regular Dwelling Unit when private open space substituted	30 20	30 20	30 20	30 20	30	20	20	20	6
Group usable open space per Rooming Unit	75 38	75 38	75 38	75 38	75	50 38	50 38	50 38	6

Regulation	Height Area								Additional Regulations
	35	45	55	60 <u>65</u>	75	90 <u>95</u>	120 <u>125</u>	160 <u>175</u>	
Group usable open space per Rooming Unit when private open space is substituted	45 <u>10</u>	45 <u>10</u>	45 <u>10</u>	45 <u>10</u>	45	10	10	10	6
Group usable open space per Efficiency Dwelling Unit	75 <u>38</u>	75 <u>38</u>	75 <u>38</u>	75 <u>38</u>	75	50 <u>38</u>	50 <u>38</u>	50 <u>38</u>	6
Group usable open space per Efficiency Dwelling Unit when private open space is substituted	45 <u>10</u>	45 <u>10</u>	45 <u>10</u>	45 <u>10</u>	45	10	10	10	6

Additional Regulations for Table 17.35.04:

2. Buildings in the CC Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.35.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

5. ~~No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects.~~

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

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

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

Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.35.070 Other zoning provisions.

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

Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

17.37.030 Permitted and conditionally permitted activities.

Table 17.37.01: Permitted and Conditionally Permitted Activities

Activities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Residential Activities			
Permanent	<u>P(L13)</u>	<u>P(L13)</u>	
Residential Care	<u>P(L1)</u>	<u>P(L1)</u>	<u>17.103.010</u>
Supportive Housing	<u>P</u>	<u>P</u>	
Transitional Housing	<u>P</u>	<u>P</u>	
Emergency Shelter	C(L1)	<u>C(L1)</u>	17.103.010
Semi-Transient	<u>C</u> <u>P</u>	<u>P</u>	
Bed and Breakfast	—	=	
Civic Activities			
Essential Service	P	<u>P</u>	
Limited Child-Care Activities	P	<u>P</u>	
Community Assembly	P	<u>P</u>	
Recreational Assembly	P	<u>P</u>	
Community Education	C	<u>C</u>	
Nonassembly Cultural	P	<u>P</u>	
Administrative	P	<u>P</u>	
Health Care	C	<u>C</u>	
Special Health Care	C(L2)	<u>C(L2)</u>	17.103.020
Utility and Vehicular	C	<u>C</u>	

Activities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Extensive Impact	C	<u>C</u>	<u>17.102.440</u>
Commercial Activities			
General Food Sales	P	<u>P</u>	
Full Service Restaurants	P	<u>P</u>	
Limited Service Restaurant and Cafe	P	<u>P</u>	
Fast-Food Restaurant	C	<u>C</u>	17.103.030 and 8.09
Convenience Market	C	<u>C</u>	17.103.030
Alcoholic Beverage Sales	C	<u>C</u>	17.103.030 and 17.114.030
Mechanical or Electronic Games	G <u>P(L10)</u>	<u>P(L10)</u>	
Medical Service	P	<u>P</u>	
General Retail Sales	P	<u>P</u>	
Large-Scale Combined Retail and Grocery Sales	—	=	
Consumer Service	P(L3)	<u>P(L3)</u>	
Consultative and Financial Service	P	<u>P</u>	
Check Cashier and Check Cashing	—	=	
Consumer Cleaning and Repair Service	P(L4)	<u>P(L4)</u>	
Consumer Dry Cleaning Plant	C	<u>C</u>	
Group Assembly	C(L6)	<u>C(L6)</u>	
Personal Instruction and Improvement Services	P	<u>P</u>	

Activities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Administrative	P	<u>P</u>	
Business, Communication, and Media Services	P	<u>P</u>	
Broadcasting and Recording Services	P	<u>P</u>	
Research Service	P	<u>P</u>	
General Wholesale Sales	C	<u>C</u>	
Transient Habitation	C	<u>C</u>	17.103.050
Building Material Sales	P(L4)	<u>C(L4)</u>	
Automobile and Other Light Vehicle Sales and Rental	P(L4)	<u>C(L4)</u>	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L4)	<u>C(L4)</u>	
Automobile and Other Light Vehicle Repair and Cleaning	P(L4)	<u>C(L4)</u>	
Taxi and Light Fleet-Based Services	P(L4)(L5)(L12)	<u>C(L4)(L5)</u>	
Automotive Fee Parking	—(L7)	<u>—(L7)</u>	
Animal Boarding	C	<u>C</u>	
Animal Care	P	<u>P</u>	
Undertaking Service	—	<u>—</u>	
Industrial Activities			
Custom Manufacturing	P(L4)	<u>P(L4)(L11)</u>	
Light Manufacturing	P(L4)	<u>P(L4)(L11)</u>	
General Manufacturing	C(L4)(L5)	<u>—</u>	
Heavy/High Impact	—	<u>—</u>	

Activities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Research and Development	P	<u>P</u>	
Construction Operations	—	=	
Warehousing, Storage, and Distribution-Related			
A. General Warehousing, Storage and Distribution	P(L4)(L5)(L12)	<u>P(L4)(L5)(L12)</u>	
B. General Outdoor Storage	C(L4)(L5)	=	
C. Self- or Mini-Storage	C(L4)(L5) =	=	
D. Container Storage	C(L4)(L5)	=	
E. Salvage/Junk Yards	—	=	
Regional Freight Transportation	C(L4)(L5)	=	
Trucking and Truck-Related	C(L4)(L5)	=	
Recycling and Waste-Related			
A. Satellite Recycling Collection Centers	C(L4)	<u>C(L4)</u>	
B. Primary Recycling Collection Centers	C(L4)(L5) =	=	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	—	=	
Agriculture and Extractive Activities			
Limited Agriculture	P(L4)(L8)	<u>P(L4)(L8)</u>	
Extensive Agriculture	C(L4)(L9)	<u>C(L4)(L9)</u>	
Plant Nursery	C(L4)	<u>C(L4)</u>	
Mining and Quarrying	—	=	

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

Limitations on Table 17.37.01:

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

~~L3. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

~~L4. Except for such uses that are accessory to an approved Automobile and Other Light Vehicle Sales and Rental Commercial Activity, t~~These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way.

~~L5. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road, Mandela Parkway, and Yerba Buena Avenue right-of-ways.~~

~~L8. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).~~

~~L9. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:~~

~~a1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.~~

L10. The total floor area devoted to these activities by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L11. The total floor area devoted to these activities by any single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on a lot that is within five hundred (500) feet of a Residential Zone.

L13. Construction of new ground floor Residential Facilities within thirty (30) feet of the principal street frontage is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Buildings not located within thirty (30) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement.

17.37.040 Permitted and conditionally permitted facilities.

Table 17.37.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Residential Facilities			
One-Family Dwelling	—(L1)(L3)	—(L1)	17.103.080
Two- to Four-Family Dwelling	—(L1)(L3) P(L3)	P(L3)	17.103.080
Multifamily Dwelling	—(L1)(L3) P(L3)	P(L3)	17.103.080
Rooming House	—(L1)(L3) P(L3)	P(L3)	
Vehicular	—(L1) P	P	<u>17.103.085</u>
Nonresidential Facilities			
Enclosed Nonresidential	P	P	

Facilities	Zones		Additional Regulations
	CR-1	<u>CR-2</u>	
Open Nonresidential	P	<u>P</u>	
Sidewalk Cafe	P	<u>P</u>	17.103.090
Drive-In	C	<u>C</u>	
Drive Through	C	<u>C</u>	
Telecommunications Facilities			
Micro Telecommunications	P(L2)	<u>P(L2)</u>	17.128
Mini Telecommunications	P(L2)	<u>P(L2)</u>	17.128
Macro Telecommunications	C	<u>C</u>	17.128
Monopole Telecommunications	C	<u>C</u>	17.128
Tower Telecommunications	—	=	17.128
Sign Facilities			
Residential Signs	P	<u>P</u>	17.104
Special Signs	P	<u>P</u>	17.104
Development Signs	P	<u>P</u>	17.104
Realty Signs	P	<u>P</u>	17.104
Civic Signs	P	<u>P</u>	17.104
Business Signs	P	<u>P</u>	17.104
Advertising Signs	—	=	17.104

Limitations on Table 17.37.02:

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

L2. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

L3. All new Residential Facilities are prohibited in the CR-1 Zone, except for those facilities approved in conjunction with a conditionally permitted Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.04. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.37.050 Property development standards.

A. **Zone Specific Standards.** Table 17.37.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.37.03: Property Development Standards

Development Standards	Zones		Additional Regulations
	CR-1 Zone	CR-2	
Minimum Lot Dimensions			
Lot Width mean	50 ft.	<u>50 ft.</u>	1
Frontage	50 ft.	<u>50 ft.</u>	1
Lot area	7,500 sf.	<u>7,500 sf.</u>	1
Minimum/Maximum Setbacks			
Minimum front	10 ft.-20 feet on parcels facing a right-of-way of 100 ft. or more; 10 feet on parcels facing a right-of-way that is less than 100 feet wide.	<u>10 ft.</u>	2
Minimum interior side	0 ft.	<u>0 ft.</u>	3
Minimum street side	0 ft.	<u>0 ft.</u>	4
Rear	0/10/15 ft.	<u>0/10 ft.</u>	5
Design Regulations			
<u>Minimum height of ground floor Nonresidential Facilities</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>6</u>

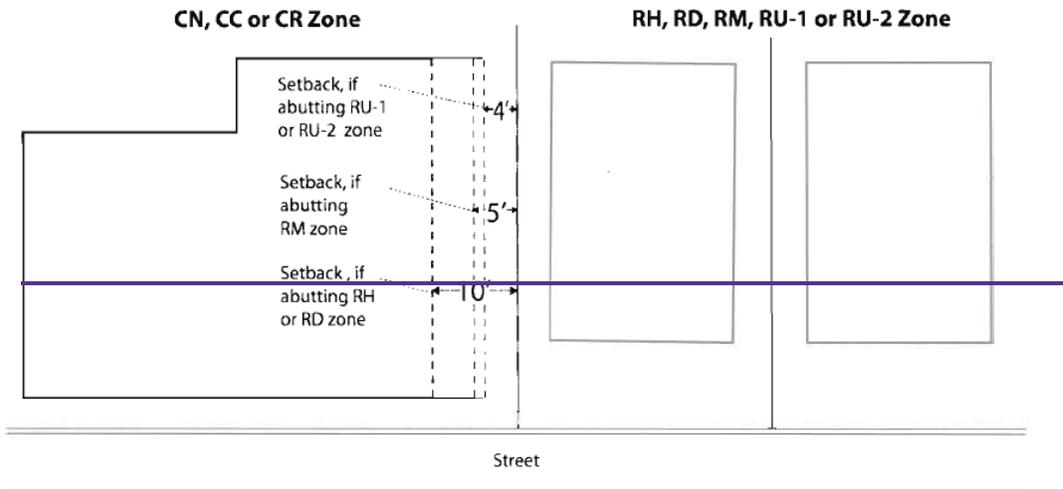
<u>Height, and Floor Area Ratio, Density, and Open Space Regulations</u>	See Table 17.37.04	<u>See Table 17.37.04</u>	
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements	<u>See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements</u>	

Additional Regulations for Table 17.37.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. ~~Hegenberger Road, 98th Avenue, and Edgewater Drive each have a right-of-way width of one hundred (100) feet or more. This minimum front yard setback area shall, except for necessary driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, garden, shrubs, trees, or decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. Further, if fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half (1/2) of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half (1/2) of that required in the Residential Zone with the lesser front setback.~~
3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, ~~the setback of the abutting portion of its side lot line is ten (10) feet~~ a side setback of six (6) feet is required. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts ~~a side yard of an interior side lot line of any lot located in an~~ RU-1 or RU-2 lot Zone, a side setback of four (4) feet is required (see Illustration for Table 17.37.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.

~~Illustration for Table 17.37.03 [Additional Regulation 3]~~

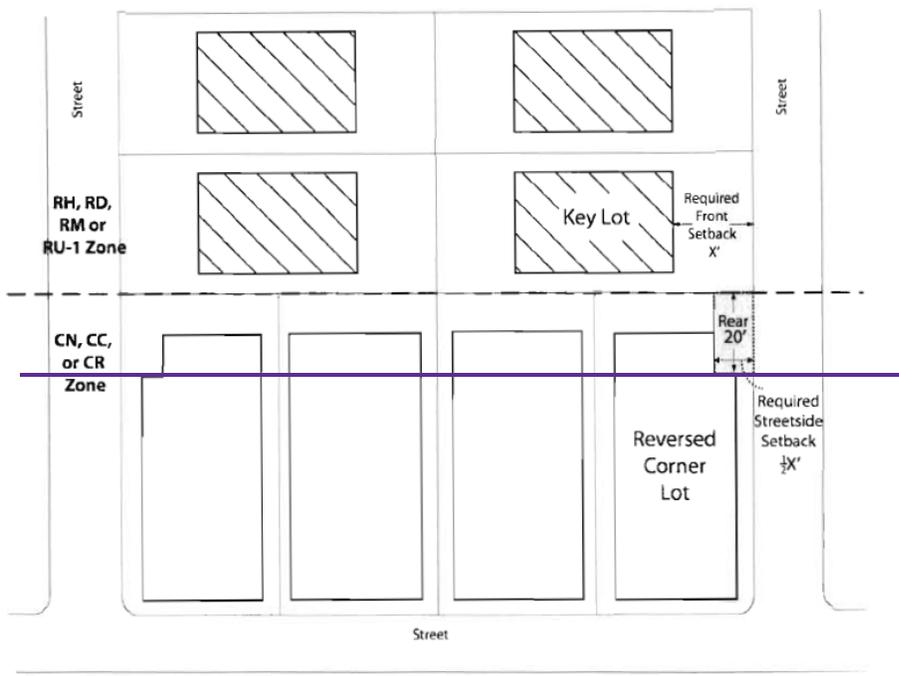
~~*for illustration purposes only~~



4. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~twenty (20)~~ ten (10) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. (see Illustration for Table 17.37.03 [Additional Regulation 4], below) Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03 [Additional Regulation 4]

*for illustration purposes only



5. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is

~~more than one hundred (100) feet.~~ When a rear lot line is not adjacent to an RH, RD, or RM Zone, there is no required setback.

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

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

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

Regulation	Height Area							Additional Regulations
	35	45	60 <u>65</u>	75	90 <u>95</u>	120 <u>125</u>	160 <u>175</u>	
Maximum Height	35 feet ft.	45 feet ft.	60 feet <u>65</u> ft.	75 feet	90 feet <u>95</u> ft.	120 feet <u>125</u> ft.	160 feet <u>175</u> ft.	1
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4.0	<u>2</u>
Maximum Number of Stories (not including underground construction)	3	4	5 <u>6</u>	7	8	11 <u>12</u>	15 <u>17</u>	
<u>Maximum Residential Density (square feet of lot area required per dwelling unit)</u>								
<u>Regular Dwelling Units</u>	<u>550</u>	<u>450</u>	<u>350</u>		<u>200</u>	<u>200</u>	<u>200</u>	<u>2, 3</u>
<u>Rooming Units</u>	<u>275</u>	<u>225</u>	<u>175</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>2, 3</u>
<u>Efficiency Dwelling Units</u>	<u>275</u>	<u>225</u>	<u>175</u>		<u>100</u>	<u>100</u>	<u>100</u>	<u>2, 3</u>
<u>Minimum Usable Open Space (square feet per residential unit)</u>								
<u>Group usable open space per Regular Dwelling Unit</u>	<u>75</u>	<u>75</u>	<u>75</u>		<u>75</u>	<u>75</u>	<u>75</u>	<u>4</u>
<u>Group usable open space per Regular Dwelling Unit when private open space substituted</u>	<u>20</u>	<u>20</u>	<u>20</u>		<u>20</u>	<u>20</u>	<u>20</u>	<u>4</u>

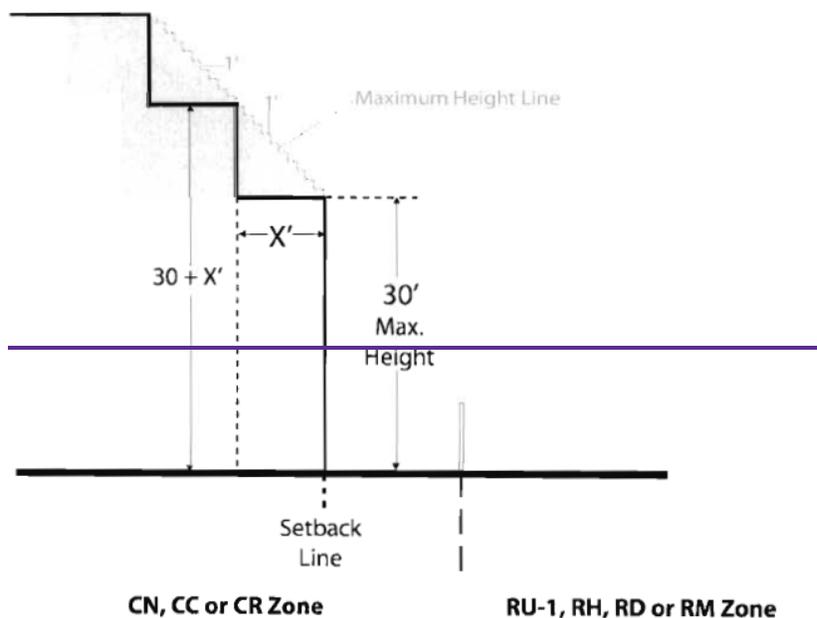
<u>Group usable open space per Rooming Unit</u>	<u>38</u>	<u>38</u>	<u>38</u>		<u>38</u>	<u>38</u>	<u>38</u>	<u>4</u>
<u>Group usable open space per Rooming Unit when private open space is substituted</u>	<u>10</u>	<u>10</u>	<u>10</u>		<u>10</u>	<u>10</u>	<u>10</u>	<u>4</u>
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>38</u>	<u>38</u>	<u>38</u>		<u>38</u>	<u>38</u>	<u>38</u>	<u>4</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>10</u>	<u>10</u>	<u>10</u>		<u>10</u>	<u>10</u>	<u>10</u>	<u>4</u>

Additional Regulations for Table 17.37.04:

1. The height of all structures is subject to Federal Aviation Administration regulations. Also, buildings in the CR Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.37.04 [Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

Illustration for Table 17.37.04 [Additional Regulation 1]

*for illustration purposes only



2. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects in the CR-2 Zone.

3. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

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

17.37.060 Special regulations for Planned Unit Developments.

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

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

17.37.070 Other zoning provisions.

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

Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

17.54.050 Permitted activities.

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

A. Residential Activities:

Permanent

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

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the area surrounding the Third Street corridor described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone-)

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Medical Service

General Retail Sales

Consumer Service

Consultative and Financial Service

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Mechanical or Electronic Games

Group Assembly - but only if the total floor area devoted to these activities on any single lot does not exceed seven thousand five hundred (7,500) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). 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

Personal Instruction and Improvement Services

Administrative

Business, Communication, and Media Service
Broadcasting and Recording Service
Research Service
General Wholesale Sales
Building Material Sales
Automobile and Other Light Vehicle Sales and Rental
Automobile and Other Light Vehicle Gas Station and Servicing
Automotive and Other Light Vehicle Repair and Cleaning
Automotive Fee Parking

D. Industrial Activities:

Custom Manufacturing

E. Agricultural and Extractive Activities:

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

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

17.54.060 Conditionally permitted activities.

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

~~A. Residential Activities:~~

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

AB. Civic Activities:

Extensive Impact
Utility and Vehicular (communications equipment installations and exchanges, only)
Special Health Care Civic Activities

BG. Commercial Activities:

Check Cashier and Check Cashing
Fast-Food Restaurant
Convenience Market
Alcoholic Beverage Sales

~~Mechanical or Electronic Games~~

~~Group Assembly~~

~~Personal Instruction and Improvement Services~~

Transient Habitation (see Section 17.103.050)

Animal Care

Animal Boarding

Undertaking Service

CD. **Industrial Activities:**

Light Manufacturing

DE. **Agricultural and Extractive Activities:**

Plant Nursery

Extensive Agriculture (see Section 17.54.090)

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

17.54.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

17.54.130 Maximum residential density.

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

A. Permitted Density.

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

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

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

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

17.54.170 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of ~~one hundred fifty (15)~~ seventy-five (75) square feet per Regular Dwelling Unit plus ~~seventy five (75)~~ thirty-eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of ~~thirty (30)~~ twenty (20) square feet per Regular Dwelling Unit plus ~~fifteen (15)~~ ten (10) square feet per Rooming Unit or Efficiency Dwelling Unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.54.190 Special regulations for Planned Unit Developments.

A. ~~Mini-Lot Planned Unit Developments~~. In ~~Mini-Lot Planned Unit Developments (Mini-Lot PUDs)~~, certain of the regulations otherwise applying to individual lots in the C-40 Zone may be waived or modified when and as prescribed in Chapter 17.142.

AB. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-40 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

17.56.050 Permitted activities.

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

A. Residential Activities:

Permanent

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

Supportive Housing

Transitional Housing

Semi-Transient

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

B. Civic Activities:

Essential Service

Limited Child-Care

Recreational Assembly

Community Assembly

Community Education

Nonassembly Cultural

Administrative

Health Care

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Medical Service

General Retail Sales

Consumer Service

Consultative and Financial Service

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Mechanical or Electronic Games

Group Assembly - but only if the total floor area devoted to these activities on any single lot does not exceed seven thousand five hundred (7,500) square feet; conditionally permitted if the activity is larger in floor area (see Chapter 17.134 for the CUP procedure). 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

Personal Instruction and Improvement Services

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

D. Industrial Activities:

Custom Manufacturing

E. Agricultural and Extractive Activities:

Limited Agriculture, permitted ~~outright~~ if the Activity occupies less than ~~one (1) acre~~ twenty thousand (20,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the Activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure)

17.56.060 Conditionally permitted activities.

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

~~A. Residential Activities:~~

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

~~Emergency Shelter~~

AB. Civic Activities:

Utility and Vehicular

Special Health Care Civic

Extensive Impact Civic

BG. Commercial Activities:

Check Cashier and Check Cashing

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

~~Mechanical or Electronic Games~~

~~Group Assembly~~

~~Personal Instruction and Improvement Services~~

General Wholesale Sales

Transient Habitation (see Section 17.103.050)

Automobile and Other Light Vehicle Sales and Rental

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive and Other Light Vehicle Repair and Cleaning

Automotive Fee Parking

Animal Care

Animal Boarding

Undertaking Service

CD. **Industrial Activities:**

Light Manufacturing

DE. **Agricultural and Extractive Activities:**

Plant Nursery

Extensive Agriculture (see Section 17.56.095)

EF. Off-street parking serving activities other than those listed above or in Section 17.56.050, subject to the conditions set forth in Section 17.116.075.

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

17.56.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

17.56.140 Maximum residential density.

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

A. Permitted Density.

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

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

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

17.56.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of ~~one hundred fifty (150)~~ seventy-five (75) square feet per Regular Dwelling Unit plus ~~seventy-five (75)~~ thirty-eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.56.200 Special regulations for Planned Unit Developments.

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

AB. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-45 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any

future changes within the Planned Unit Development shall be subject to applicable design review regulations.

Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

17.58.030 ~~Conditional use permit for large-scale developments~~ 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 fifty (250) feet in height, shall be permitted except upon the granting of a ~~conditional use permit~~ Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the Planned Unit Development procedure (see Chapter 17.140 for the PUD procedure).

17.58.040 Permitted and conditionally permitted activities.

Table 17.58.01: Permitted and Conditionally Permitted Activities

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Residential Activities					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	<u>P(L2)</u>	17.103.010
Supportive Housing	P	P(L1)	P(L1)	P	
Transitional Housing	P	P(L1)	P(L1)	P	
Emergency Shelter	C(L2)	C(L2)	C(L2)	<u>C(L2)</u>	17.103.010 <u>17.103.015</u>
Semi-Transient	C <u>P</u>	C(L1) <u>P(L1)</u>	C(L1) <u>P(L1)</u>	C <u>P</u>	
Bed and Breakfast	P	P	P	P	17.10.125
Commercial Activities					
Mechanical or Electronic Games	—	C <u>P</u>	C <u>P</u>	C <u>P</u>	
Consumer Service	P(L4)(L7) (L9)	P(L4)(L9)	P(L9)	P(L9)	

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Consumer Dry Cleaning Plant	C(L7) =	C	C	C	
<u>Artisan Production</u>	=	<u>P</u>	<u>P</u>	<u>P</u>	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Transient Habitation	C	C(L6)	C	C	17.103.050
Automobile and Other Light Vehicle Sales and Rental	—	—	<u>C</u>	C	
Industrial Activities					
Custom Manufacturing	<u>C(L13)</u>	<u>C(L13)</u>	<u>C(L13)</u>	C(L13)	
Light Manufacturing	=	<u>C(L13)</u>	<u>C(L13)</u>	C(L13)	
General Manufacturing	=	=	=	—	
Research and Development	—	<u>P(L5)(L13)</u>	C(L13) <u>P(L5)(L13)</u>	C(L13) <u>P(L5)(L13)</u>	

Limitations on Table 17.58.01:

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

L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may

only exceed ~~seven thousand five hundred (7,500)~~ ten thousand (10,000) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L5. ~~If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line~~ With the exception of retail bank branches, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) when located both on the ground floor of a building and within thirty (30) feet of the principal street frontage. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, ~~these conditionally permitted ground floor proposals~~ that are conditionally permitted must also meet each of the following additional criteria:

- a. The proposal will not impair a generally continuous wall of building facades;
- b. The proposal will not weaken the concentration and continuity of retail ground-floor commercial facilities at ground level, and will not impair the retention or creation of an important shopping frontage; and
- c. The proposal will not interfere with the movement of people along an important pedestrian street.

L6. 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 and within thirty (30) feet of the front of the ground floor of the principal building principal street frontage (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building), the proposed activities must also meet the criteria contained in Note L5, above.

L7. These activities shall only be located on or below the ground floor of a building with the following two exceptions:

- a) ~~Upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process), an activity is permitted anywhere above the ground floor if:~~ The floor area devoted to the activity above the ground floor is both: 1) less than or equal to ~~two thousand (2,000)~~ three thousand (3,000) square feet; and 2) a Local Register property; and or
- b) An activity located on the ground floor may extend to the second floor of a building if ~~each:~~ 1) the floor area devoted to Nonresidential Activities in the building is less than the floor area devoted to Residential Activities; 2) 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 3) there is a direct internal connection between the ground floor and the second story activities.

L9. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

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.

L14. Automotive fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a multi-story parking structure that is at least three (3) stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.

L15. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than ~~one (1) acre~~ five thousand (5,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L17. Community Gardens are permitted outright if they do not include ~~the livestock production or the cultivation of animals, and/or animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

17.58.050 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.58.02: Permitted and Conditionally Permitted Facilities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two- <u>to</u> Four-Family Dwelling	P(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	17.103.080
Rooming House	P	P	P	P	
Vehicular	P	P	P	P	<u>17.103.080</u> 17.103.085

17.58.070 Usable open space standards.

B. Definitions of CBD usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:

2. "Public Ground-Floor-Level Plaza". Public ground-floor-level plazas (plazas) are group usable open space (~~see Section 17.127.030~~) located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.

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

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

2. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.58.05: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft. for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor-Level Plaza	10 ft.	
Rooftop	15 ft.	1
Courtyard	15 ft.	

4. **Location.** Required usable open space may be located anywhere on the lot ~~except that not more than fifty percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.~~

5. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than ~~four (4) feet high~~ 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 ~~except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line~~. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

D. **Landscaping requirements.** At least ~~fifty percent (50%)~~ ten percent (10%) of rooftop, or courtyard, or ground-level plaza usable open space area shall include landscaping enhancements. ~~At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements.~~ Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

17.65.030 Permitted, conditionally permitted, and prohibited activities.

Table 17.65.01: Permitted, Conditionally Permitted, and Prohibited Activities

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Activities					
Permanent Residential	P	P	P	P	17.65.040
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Supportive Housing	P	P	P	P	
Transitional Housing	P	P	P	P	
Emergency Shelter	C(L1)(L2)(L6)	P(L1)(L2)	C(L1)(L2)(L6)	C(L1)(L2)(L6)	17.103.010 17.103.015
Semi-Transient Residential	C P	C P	C P	C P	17.103.010
Bed and Breakfast	—	—	—	C	17.102.125
Civic Activities					
Nonassembly Cultural	P(L3)(L4)	P(L4)	P(L4)	P(L4)	
Administrative	P(L3)(L4)	P(L4)	P(L4)	P(L4)	
Health Care	C	C	C	C	
Extensive Impact	C	C	C	C	17.102.440
Commercial Activities					
Medical Service	P(L3)(L4)	P(L4)	P(L4)	P(L4)	

General Retail Sales	P(L3)	P(L4)	P(L4)	P(L4)	
Consumer Service	P(L3)(L7)	P(L7)	P(L7)	P(L7)	
Consultative and Financial Service	P(L3)(L4)	P(L4)	P(L4)	P(L4)	
Consumer Dry Cleaning Plant	€ =	C	C	C	
Personal Instruction and Improvement Services	C	€ P	€ P	P	
Administrative	P(L3)(L4)	P(L4)	P(L4)	P(L4)	
Business, Communication, and Media Service	P(L5)	P	P	P	
Broadcasting and Recording Service	P(L5)	P	P	P	
Research Service	P(L3)(L4) (L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
General Wholesale Sales	P(L5)(L4)	P(L4)	P(L4)	P(L4)	
Building Material Sales	P(L9)(L10) =	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Automotive and Other Light Vehicle Repair and Cleaning	—(L11)	—	—	€(L9) =	
Taxi and Light Fleet-Based Service	€ =	C	C	C	
Industrial Activities					
Custom Manufacturing	P(L3)(L9) (L4)(L17)	P(L3)(L9) (L4)(L17)	P(L3)(L9) (L4)(L17)	P(L4)(L9) (L17)	17.120
Light Manufacturing	P(L3)(L4) (L9)(L17)	P(L3)(L4) (L9)(L17)	P(L3)(L4) (L9)(L17)	P(L4)(L9) (L17)	17.120
General Manufacturing	—	—	—	—P(L3)(L9)	

Heavy/High Impact Manufacturing	—	—	—	—	
Research and Development	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L4)(L9)	
Construction Operations	— P(L9)(L10)	CP(L9)(L10)	CP(L9)(L10)	CP(L9)(L10)	
Warehousing, Storage and Distribution-Related					
A. General Warehousing, Storage and Distribution	CP(L3)(L9)(L10)	P(L3)(L9)	P(L3)(L9)	P(L3)(L4)(L9)	
B. General Outdoor Storage	— C	C	C	C	
C. Self- or Mini-Storage	— C(L12)	C(L12)	C(L12)	C(L12)	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	

Limitations on Table 17.65.01:

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

L2. Emergency shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the portion of the East 12th Street corridor described in Section 17.103.015(A)(6) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitation L1 above.

L3. Except for the HBX-1 zoned area near Lowell Street, the total floor area devoted to these activities on any single lot shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). For the HBX-1 zoned area near Lowell Street, the total floor area devoted to these activities on

any single lot shall only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure).

L4. The total floor area devoted to these activities on any single lot shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5. The total floor area devoted to ~~a Full-Service or Limited-Service Restaurant Commercial Activity~~ these activities on any single lot shall only exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L7. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

L9. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor principal activities shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L10. This activity shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). ~~if it is on a lot that is more than twenty-five thousand (25,000) square feet, or covers more than twenty-five thousand (25,000) square feet of lot area.~~

L11. Except for the HBX-1 zoned area near on Lowell Street, a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 Zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a Conditional Use Permit (see Chapter 17.134) and approval pursuant to the Regular Design Review procedure (see Chapter 17.136). This Conditional Use Permit and Regular Design Review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding Residential Activities through landscaping and fencing. See Chapter Section 17.114 for general regulations regarding nonconforming uses.

L12. All facilities containing Self- or Mini-Storage activities shall meet the following requirements:

1. No more than twenty percent (20%) of the total floor area on a lot shall be occupied by facilities containing Self- or Mini-Storage activities.
2. No facility that includes a Self- or Mini-Storage Activity shall be within the front twenty (20) feet of a building.
3. Projects that include self-storage establishments shall have a minimum fifty percent (50%) of lot frontage occupied by ~~Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities on the ground floor.~~ These ground floor commercial activities that are shall not be directly associated with the self-storage establishment at the site.

L13. Limited Agriculture is permitted outright if the activity occupies less than twenty thousand (20,000) square feet ~~one (1) acre~~ of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

L15. These activities are prohibited when located within five hundred (500) feet of a Residential Zone. When not within five hundred (500) feet of a Residential Zone, ~~These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~ if located in the West Oakland District (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north)

L16. Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

L17. Commercial kitchen operations that include the retail sale, from the premises, of any type of prepared food or beverage where orders are placed predominantly online or by telephone or mail order, and delivery to customers is provided by motor vehicle shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

17.65.040 Permitted and conditionally permitted facilities.

Table 17.65.02: Permitted and Conditionally Permitted Facilities

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Facilities					
One-Family Dwellings	P(L4)	P(L3)(L4)	P(L3)(L4)	C(L3)(L4)	17.103.080
Two- <u>to Four</u> -Family Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	17.103.080
Multifamily Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	17.103.080
Rooming House	P	P	P	C	
Vehicular	P	P(L3)	P(L3)	C(L3)	<u>17.103.080</u> 17.103.085
Live/Work	P	P	P	P	17.65.160

17.65.060 Minimum lot area width and frontage.

The following table contains the minimum lot area, width, and frontage requirements for the zones in this Chapter.

Standard	Zones			
	HBX-1	HBX-2	HBX-3	HBX-4
Minimum lot area	<u>2,500 sf.</u> 4,000 sf.	<u>2,500 sf.</u> 4,000 sf.	<u>2,500 sf.</u> 4,000 sf.	<u>3,500 sf.</u> 4,000 sf.
Minimum lot width mean	<u>25</u> 35 -ft.	<u>25</u> 35 -ft.	<u>25</u> 35 -ft.	35 ft.
Minimum lot frontage	<u>25</u> 35 -ft.	<u>25</u> 35 -ft.	<u>25</u> 35 -ft.	35 ft.

17.65.070 Maximum density.

The following table contains the maximum number of living units allowed per lot for the zones in this Chapter.

Living Unit Type	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Regular Dwelling Unit	1,000 sf. of lot area per unit	<u>800 sf.</u> 930 sf. of lot area per unit	<u>700 sf.</u> 730 sf. of lot area per unit	<u>700 sf.</u> 800 sf. of lot area per unit
Rooming Unit	500 sf. of lot area per unit	<u>400 sf.</u> 465 sf. of lot area per unit	<u>350 sf.</u> 365 sf. of lot area per unit	<u>350 sf.</u> 400 sf. of lot area per unit
Efficiency Dwelling Unit	500 sf. of lot area per unit	<u>400 sf.</u> 465 sf. of lot area per unit	<u>350 sf.</u> 365 sf. of lot area per unit	<u>350 sf.</u> 400 sf. of lot area per unit

17.65.080 Maximum Floor Area Ratio.

A. The following table contains the maximum Floor Area Ratios (FARs) for all structures for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum Floor Area	<u>1.5</u> 1.75	2.5 when the lot abuts a street right-	2.5 permitted; 3.0 may be allowed upon the	2.5 permitted; 3.0 may be allowed upon the

Ratio (FAR)		of-way that is less than 80 ft. wide; 3.0 otherwise.	granting of a Conditional Use Permit.	granting of a Conditional Use Permit.
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Notes:

3. A Conditional Use Permit for an FAR of up to 3.0 in the HBX-3 and HBX-4 Zones may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- a. That the scale of buildings is reduced through the articulation and massing of street facing façades into a series of smaller forms.
- b. That the additional Floor Area Ratio does not significantly decrease the solar access of existing adjacent single family homes or duplexes to a degree greater than would be created if the facility were built according to the base FAR.

B. The following table contains the maximum Floor Area Ratios (FARs) for Nonresidential Facilities for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Nonresidential FAR	1.5-1.75	2.5-3.0	2.5-4.0	2.5

17.65.100 Maximum height.

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

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

Notes:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, or RM Residential Zone. [If the](#)

principal building on the abutting lot has a height of thirty (30) feet or less, tThis maximum height shall increase one (1) foot for every foot of distance from this setback line. . If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from this setback line. This increase in allowable height shall not exceed the maximum height allowed in the zone. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

2. See Subsection (B) for situations when exceeding these maximum heights may be permitted.

~~3. On Lowell Street, any building height over thirty (30) feet requires the granting of a conditional use permit (see .).~~

B. Structures that are: 1) on lots adjacent to, or directly across the street from a freeway right-of-way or Bay Area Rapid Transit (BART) right-of-way that contains above-ground tracks; and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right-of-way are eligible for a ninety-five (95) ~~seventy five (75)~~-foot height limit. This additional height is permitted only upon the granting of a Conditional Use Permit (see Chapter 17.134) and approval pursuant to the Regular-design review procedure (see Chapter 17.136) and in conformance with the "Design Guidelines for the HBX Zones" as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

17.65.110 Minimum yards and courts.

D. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ten (10) feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. When the rear yard of a reversed corner lot abuts a key lot that is in a Residential Zone, the required street side yard width of the reversed corner lot is one-half (½) of the minimum front yard depth required on the key lot (see illustration 1-12a).

17.65.120 Minimum usable open space.

The following table contains the minimum usable open space requirements per dwelling unit for the zones in this Chapter.

Zone			
HBX-1	HBX-2	HBX-3	HBX-4
<u>100 200</u> -sf./unit	<u>100 150</u> -sf./unit	<u>100 150</u> -sf./unit	100 sf./unit

17.65.130 Landscaping, paving, and buffering.

A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility (see Section 17.09.040 for definition), excluding any permitted Accessory Dwelling Units, and for additions to existing building facilities of over one thousand (1,000) ~~five hundred (500)~~-square feet.

17.65.150 Special regulations for HBX Work/Live units.

E. Each new HBX Work/Live unit shall qualify as at least one of the following Unit Types:

Unit Type	Maximum residential floor area (percent of total floor area)	Special requirements	Separation between residential and nonresidential floor area
Type 1	One-third	In the HBX-4 Zone, all remaining floor area to be used for the primary Nonresidential Activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 2	45 percent	There must be two entrances into the ground floor units - one adjacent to the residential space and the other adjacent to the nonresidential space; the nonresidential ground floor entrance must be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 3	55 percent	<p>1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and</p> <p>2. The ground floor units must have a clearly designated business entrance.</p>	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).

Notes:

- In Types 1, 2, and 3, a kitchen may be open to nonresidential floor area if it is adjacent to and directly accessible from residential floor area or stairs that lead to residential floor area. Counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.
- Except as indicated for the HBX-4 Zone, see [Section 17.102.190](#) for regulations regarding converting facilities originally designed for industrial or commercial occupancy to Joint Living and Working Quarters.

L. ~~Regular Design Review requirement. Criteria.~~ Establishment of an HBX Work/Live unit shall conform to the design review criteria set forth in Chapter 17.136, and if Regular Design Review is applicable, to all of the following additional criteria: ~~Regular design review approval for HBX Work/Live units may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

17.65.160 Special regulations for HBX Live/Work units.

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Live/Work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX Live/Work unit, and the loading and open space for each HBX Live/Work unit:

Standard	Requirement		Note
Activities allowed in an HBX Live/Work unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a Residential Facility (See Chapter 17.112)		
Required parking	See Chapter 17.116 One (1) parking space per unit		1, 4
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2, 4
	One (1) short-term space for each 20 units; minimum requirement is two (2) short-term spaces.	One (1) long-term space for each four (4) units; minimum requirement is two (2) long-term spaces. One (1) short-term space for each 20 units; minimum requirement is two (2) short-term spaces.	
Required loading	Square feet of facility	Requirement	3, 4
	Less than 50,000 square feet	No berth required	
	50,000—149,999 square feet	One (1) berth	
	150,000 <u>square feet or more</u> —299,999 square feet	Two (2) berths	
	300,000 square feet or more	Three (3) berths	

Standard	Requirement	Note
Permitted density	Same as Section 17.65.070	
Required usable open space	Same as Section 17.65.130	

Notes:

1. See Chapter 17.116 for ~~other~~ off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. Chapter 17.116 contains other off-street loading standards. However, for new construction, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of ~~Regular Design Review~~ approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement ~~for a Conditional Use Permit~~ stated in Section 17.116.220.
4. Parking and loading standards shall apply to new construction and additions only. No additional parking or loading is required for HBX Live/Work units within an existing building. For conversion of existing buildings, maintaining the amount of existing parking and loading is required to at least these minimum standards. If there is more parking or loading spaces on the lot than required, then each can be reduced to the minimum required.
- E. The amount of floor area in an HBX ~~L~~ive/~~W~~ork unit designated for and devoted to residential is not restricted.
- F. Any building permit plans for the construction of HBX ~~L~~ive/~~W~~ork units shall: (1) clearly state that the proposal includes live/work facilities, and (2) label the units intended to be live/work units. This requirement is to assure the City applies building codes appropriate for a live/work facility.
- H. Each building with an HBX ~~L~~ive/~~W~~ork unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; and (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains ~~L~~ive/~~W~~ork units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing".
- J. ~~Regular-Design Review requirement. Criteria-~~Establishment of an HBX Work/Live unit shall conform to the design review criteria set forth in Chapter 17.136, and if Regular Design Review is applicable, to all of the following additional criteria: Regular design review approval for HBX Live/Work units may be granted only upon determination that the proposal

~~conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:~~

17.65.170 Special regulations for Planned Unit Developments.

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

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

17.65.180 Other zoning provisions.

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

Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS

17.74.030 Permitted activities.

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

A. Residential Activities:

Permanent

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

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within those portions of the Martin Luther King Jr. Way corridor and Webster Street area described in Section 17.103.015(A)(1)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

B. Civic Activities:

Essential Service (Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives). ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit – see Chapter 17.134 for the CUP procedure)~~

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Administrative

Health Care

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited-Service Restaurant and Cafe

General Retail Sales

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

Consumer Cleaning and Repair Service

Consultative and Financial Service

Medical Service

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

Personal Instruction and Improvement Services

Business, Communication, and Media Service

Administrative

D. Agricultural and Extractive Activities:

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

17.74.040 Conditionally permitted activities.

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

~~A.~~ **Residential Activities:**

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

~~Emergency Shelter~~

~~AB.~~ **Civic Activities:**

~~Administrative~~

~~Utility and Vehicular~~

~~Community Education~~

~~Special Health Care Civic Activities (see Section 17.103.020)~~

~~BC.~~ **Commercial Activities:**

~~General Food Sales~~

~~Full-Service Restaurant~~

~~Limited Service Restaurant and Cafe~~

~~Fast Food Restaurant~~

Convenience Market

Alcoholic Beverage Sales

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

~~Consultative and Financial Service~~

~~Group Assembly~~

~~Personal Instruction and Improvement Services~~

~~Administrative~~

~~Business, Communication, and Media Service~~

Broadcasting and Recording Service

Research Service

Automotive Fee Parking (see Section 17.103.055 for Automotive Fee Parking on a lot containing a principal activity in a principal facility)

Animal Care

Animal Boarding

CD. Agricultural and Extractive Activities:

Extensive Agriculture (see Section 17.74.075)

DE. Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.116.075.

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

17.74.050 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

17.74.120 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both

Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and a Secondary Unit.

A. Permitted Density.

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

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

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

17.74.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of ~~seventy-five (75) one hundred fifty (150)~~ square feet per Regular Dwelling Unit, plus ~~thirty-eight (38) seventy five (75)~~ square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.74.180 Special regulations for Planned Unit Developments.

~~A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-1 Zone may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-1 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS

17.76.050 Permitted activities.

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

A. Residential Activities:

Permanent

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

Supportive Housing

Transitional Housing

Semi-Transient

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

B. Civic Activities:

Essential Service (Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, ~~and/or livestock production,~~ except for bee keeping involving no more than three (3) hives). ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit—see Chapter 17.134 for the CUP procedure)~~

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Administrative

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

General Retail Sales

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

Consumer Cleaning and Repair Service

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

Personal Instruction and Improvement Services

Medical Service

Consultative and Financial Service

Administrative

Business, Communication, and Media Service

D. Agricultural and Extractive Activities:

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

17.76.060 Conditionally permitted activities.

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

~~A. Residential Activities:~~

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

~~Emergency Shelter~~

AB. Civic Activities:

Health Care

Utility and Vehicular

Extensive Impact (see Section 17.102.440 for special regulations and findings related to crematoriums)

BG. Commercial Activities:

~~General Food Sales~~

~~Full Service Restaurant~~

~~Limited Service Restaurant and Cafe~~

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

General Retail Sales

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

~~Consumer Cleaning and Repair Service~~

Consumer Dry Cleaning Plant

~~Group Assembly~~

~~Personal Instruction and Improvement Services~~

~~Business, Communication, and Media Service~~

Broadcasting and Recording Service

Research Service

Transient Habitation (see Section 17.103.050)

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive Fee Parking (see Section 17.103.055 for Automotive Fee Parking on parcels containing a principal activity in a principal facility)

CD. Agricultural and Extractive Activities:

Extensive Agriculture (see Section 17.76.095)

DE. Off-street parking serving activities other than those listed above or in Section 17.76.050, subject to the conditions set forth in Section 17.116.075.

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

17.76.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

Two- to Four-Family Dwelling

Multifamily Dwelling

Rooming House

Vehicular

17.76.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No residential facility

shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and a Secondary Unit.

A. Permitted Density.

1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
2. Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
3. Rooming Units. One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwellings and Two- to Four-Family Dwellings. A One-Family Dwelling or Two- to Four-Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

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

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

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

17.76.180 Minimum usable open space.

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

in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.76.200 Special regulations for Planned Unit Developments and large-scale developments.

~~A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-2 Zone may be waived or modified when and as prescribed in Chapter 17.142.~~

AB. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-2 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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

Chapter 17.78 S-3 RESEARCH CENTER COMMERCIAL ZONE REGULATIONS

17.78.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-3 Research Center Commercial Zone Regulations. The Research Center (S-3) Zone is intended to create, preserve, and enhance areas devoted primarily to conference, research, administrative, and recreational activities in attractive surroundings conducive to such pursuits, ~~and is typically appropriate to relatively secluded locations~~. These regulations shall apply in the S-3 Zone.

17.78.030 Permitted activities.

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

A. **Residential Activities:**

Permanent

Residential Care

Supportive Housing

Transitional Housing

Semi-Transient

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

BA. **Civic Activities:**

Essential Service (Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives). ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit – see Chapter 17.134 for the CUP procedure)~~

Nonassembly Cultural

Administrative

CB. **Commercial Activities:**

Administrative

Research Service

DC. **Agricultural and Extractive Activities:**

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

17.78.040 Conditionally permitted activities.

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

A. Civic Activities:

- Community Assembly
- Recreational Assembly

Administrative

- Utility and Vehicular

Extensive Impact (see Section 17.102.440 for special regulations and findings related to crematoriums)

B. Agricultural and Extractive Activities:

- Extensive Agriculture (see Section 17.78.065)

17.78.050 Permitted facilities.

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

A. Nonresidential Facilities:

- Enclosed

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

Sidewalk Cafes, subject to the provisions of Section 17.103.090

17.78.110 Maximum Floor Area Ratio.

The maximum Floor Area Ratio (FAR) of any facility shall be 1.00. 0.50.

17.78.120 Maximum height.

Except for the projections allowed by Section 17.108.030, and except as provided in Chapter 17.128, no building shall exceed sixty-five (65) forty-five (45) feet in height. unless the building, or that portion thereof which exceeds forty-five (45) feet in height, is set back from the inner line of each of the minimum side yards required by Section 17.78.130C a minimum horizontal distance equal to one (1) foot for each two (2) feet by which it exceeds forty-five (45) feet in height. See Section 17.78.090 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

17.78.130 Minimum yards.

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

- A. Front Yard. The minimum front yard depth on every lot shall be twenty (20) fifty (50) feet.

B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be ~~twenty (20) fifty (50)~~ feet.

C. Side Yard—Interior Lot Line. The minimum width of the side yard along an ~~y single~~ interior side lot line of any lot shall be twenty (20) feet. ~~The minimum combined width of both such side yards shall be fifty (50) feet.~~

D. Rear Yard. The minimum rear yard depth on every lot shall be ~~twenty (20) thirty (30)~~ feet, except that the minimum rear yard depth shall be ~~thirty (30) fifty (50)~~ feet along any portion of a rear lot line which abuts a lot in any Residential Zone.

17.78.140 Buffering and landscaping.

A. General Requirements. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.

B. Buffer Strip. A strip of dense landscaping not less than five and one-half (5½) feet high and ten (10) feet wide, and including trees, shall be provided along all lot lines which abut a lot in any Residential Zone, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

C. Landscaping Coverage. A minimum of ~~twenty-five percent (25%) forty percent (40%)~~ of the lot area of each lot shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening.

17.78.150 Maximum residential density.

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

A. Permitted Density.

1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
2. Efficiency Dwelling Units. One (1) Efficiency Dwelling Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
3. Rooming Units. One (1) Rooming Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.

4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwellings and Two- to Four-Family Dwellings. A One-Family Dwelling or Two- to Four-Family Dwelling is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

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

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

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

17.78.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of seventy-five (75) square feet per Regular Dwelling Unit, plus thirty-eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

17.78.170 Special regulations for Planned Unit Developments.

A. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-3 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.78.180 ~~150~~ Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-3 Zone.
- E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-3 Zone.

Exhibit 6:

Minor Code Changes to S and D Groups

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

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

17.92.060 Limitations on residential density.

A. Overall Density. The maximum overall number of dwelling units within any development shall be as prescribed in the applicable base zone, ~~whichever of the following is applicable and lowest:~~

~~1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in Subsection A. of Section 17.142.110 and the first three sentences of Subsection B. of Section 17.142.110.~~

~~2. In the case of those properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units, the number of dwelling units indicated by that map.~~

~~3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:~~

~~a. Dividing the street frontage of the property by the minimum lot width mean requirement in the respective Residential Zone; and~~

~~b. Counting the number of legally platted lots within the proposed development area; and~~

~~c. Analyzing the project under the Regular Design Review process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.~~

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

B. Number of Units Per Unsubdivided Lot. An unsubdivided lot may not have more dwelling units when subdivided than are permitted per lot by the applicable basic zone.

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

Sections:

17.101A.020 - Permitted and conditionally permitted activities.

17.101A.020 Permitted and conditionally permitted activities.

Table 17.101A.01: Permitted and Conditionally Permitted Activities

Activities	Zones									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Residential Activities										
Emergency Shelter	—(L1)	—(L1)	—(L1)	—(L1)	—	—(L1)	—(L1)	—(L1)	—	17.103.010
Industrial Activities										
Custom Manufacturing	—	P(L16)	—	C	C	C	—	P(L16)	—	

Limitations on Table 17.101A.01:

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

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

Chapter 17.101B D-OTN OAK TO NINTH DISTRICT ZONE REGULATIONS

17.101B.020 Permitted and conditionally permitted activities.

Table 17.101B.01: Permitted and Conditionally Permitted Activities

Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
Commercial Activities			
Fast-Food Restaurant	C	—	17.103.030 and 8.09
A. Vehicular Food Vending	—	—	

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

17.101C.030 - Permitted and conditionally permitted activities.

Table 17.101C.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Commercial Activities						
General Food Sales	P(L11) (L12)	P	P	P	P	
Full Service Restaurants	P(L12)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L12)	P	P	P	P	
Fast-Food Restaurant	C(L12)	C	C	C	C	17.103.030 and 8.09
Convenience Market	—	C	C	C	—	17.103.030
Alcoholic Beverage Sales	C(L12)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Retail Sales	P(L12)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L11) (L13)	P(L8)(L13)	P(L13)	P(L13) (L14)	P	
Consultative and Financial Service	P(L4)	P(L6)	P	P	P(L5)	

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L8)	P(L14)	P(L14)	P(L14)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	--	
Group Assembly	C(L4)(L12)(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Personal Instruction and Improvement Services	P(L8)	P(L8)	P	P	P(L5)	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Business, Communication, and Media Services	P(L4)	P(L8)	P	P	P(L5)	
Broadcasting and Recording Services	P(L4)	P(L6)	P(L5)	P	P(L6)	
Research Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	C(L2)	C	C	—	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	C(L12)(L16)	C(L16)	C(L16)	C(L16)	C(L16)	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L17)	—(L17)	C(L5)	—(L17)	—(L17)	

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Automobile and Other Light Vehicle Repair and Cleaning	—(L17)	—(L17)	C(L5)	—(L17)(L18)	—(L17)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	P(L19)	P(L19)	P(L19)	P(L19)	P(L19)	
Animal Boarding	—	—	—	C	—	
Animal Care	—	C(L10)	P(L5)	P	P(L6)	
Undertaking Service	—	—	—	—	—	

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

Limitations on Table 17.101C.01:

L4. These activities are not permitted if located on the ground floor of a building and within forty (40) ~~forty (50)~~ feet of any street-abutting property line; incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this restriction.

L5. If located on the ground floor of a building and within forty (40) ~~sixty (60)~~ feet from any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these ground-floor activities must also meet each of the following additional criteria:

1. The proposal will not detract from the character desired for the area;
2. The proposal will not impair a generally continuous wall of building facades;
3. The proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
4. The proposal will not interfere with the movement of people along an important pedestrian street; and
5. The proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

L6. These activities are prohibited if located on the ground floor of a building and within forty (40) ~~sixty (60)~~ feet from any street-abutting property line facing Broadway. Incidental pedestrian

entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

L13. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

L23. Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

17.101C.040 - Permitted and conditionally permitted facilities.

Table 17.101C.02: Permitted and Conditionally Permitted Facilities

Facilities	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Residential Facilities						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two- to Four-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)(L11)	—(L1)	17.103.080
Multifamily Dwelling	C(L2)(L11)	P(L3)(L11)	P(L4)(L11)	P(L11)	P(L5)(L11)	17.103.080
Rooming House	C(L2)	P(L3)	P(L4)	P	P(L5)	
Micro Living Quarters	—	C(L3)(L7)	C(L4)(L6)(L7)	—	—	17.101C.055
Vehicular	C(L2)	C(L3)	C(L4)	P	P(L5)	<u>17.103.080</u> 17.103.085

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

17.101C.050 - Property development standards.

A. **Zone Specific Standards.** Table 17.101C.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column

refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.101C.03: Property Development Standards

Development Standards	Base Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Minimum/Maximum Setbacks						
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0-4 ft.	2, 3, 14
Maximum front	5 ft.	5 ft.	10 ft.	N/A	5 ft.	4, 14
Minimum interior side	0 ft.	5, 6, 14				
Minimum street side	0 ft.	7, 14				
Rear (Residential Facilities)	10/15 ft.	8, 9, 14				
Rear (Nonresidential Facilities)	0/10/15 ft.	9				
Design Regulations						
Minimum <u>façade transparency of ground floor Nonresidential Facilities ground floor nonresidential facade transparency</u>	55%	55%	55%	N/A	55%	10

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

Additional Regulations for Table 17.101C.03:

5. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, a side setback of six (6) feet is required. ~~the setback of the abutting portion of its side lot line is ten (10) feet.~~ In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts an interior side lot line of any lot located in a side yard of an RU-1 or RU-2 Zone, lot, a side setback of four (4) feet is required (see Illustration for Table 17.101C.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

7. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ~~ten (10)~~ ~~twenty (20)~~ feet of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot (see Illustration for Table 17.101C.03 [Additional Regulation 7], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

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

B. **Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.101C.04 below prescribes height, Floor Area Ratio (FAR), density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified Height Area.

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

Regulation	Height Area								Additional Regulations
	45	45*	65	95 85	95 85/ 135	135	135/20 0	250	
Maximum Height									
Building Base Max. Height	N/A	N/A	N/A	N/A	N/A	65 ft.	65/ 95 85-ft.	95 ft. 85-ft.	1, 2, 3
Maximum Height Total	45 ft.	45 ft.	65 ft.	95 85 ft.	95 85 /135 ft.	135 ft.	135/20 0 ft.	250 ft.	1, 2, 3
Maximum number of stories (not including underground construction)	4	4	6	8	8/13	13	13/19	24	3
Minimum Height									
Minimum number of stories (not including underground construction)	2	N/A	2	3	3	3	3	4 3	2, 4
Conditionally permitted minimum number of stories	N/A	N/A	N/A	2	2	2	2	3 2	2

Regulation	Height Area								Additional Regulations
	45	45*	65	95 85	9585/ 135	135	135/20 0	250	
(not including underground construction)									
Maximum Residential Density (square feet of lot area required per dwelling unit)									
Regular Dwelling Units	450	N/A	<u>350</u> 375	<u>250</u> 275	<u>2502</u> 75/20 0	200	200/15 0	90	3, 5, 6
Rooming Units	225	N/A	<u>175</u> 185	<u>125</u> 135	<u>1254</u> 35/10 0	100	100/75	45	3, 5, 6
Maximum Micro Living Quarters FAR	2.5	N/A	N/A	4.5	N/A	6.0	N/A	8.0	5, 6
Maximum Nonresidential FAR (excluding Micro Living Quarters)	2.5	2.5	3.5	4.5	4.5/6. 0	6.0	6.0/8.0	10.0	3, 6
Minimum Usable Open Space									
Area: on each lot containing Residential Facilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per <u>Regular Dwelling Unit</u>	<u>75</u> sf. 100 sf.	N/A	<u>75</u> sf. 100 sf.	75 sf.	75 sf.	75 sf.	75 sf.	75 sf.	7, 8, 9
Area: on each lot containing Residential Facilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per <u>Rooming Unit</u>	<u>38</u> sf. 50 sf.	N/A	<u>38</u> sf. 50 sf.	38 sf.	38 sf.	38 sf.	38 sf.	38 sf.	7, 8, 9
Area: on each lot containing senior or affordable housing units, usable open space	30 sf.	N/A	30 sf.	30 sf.	30 sf.	30 sf.	30 sf.	30 sf.	7, 8, 9

Regulation	Height Area								Additional Regulations
	45	45*	65	95 85	95/85/ 135	135	135/20 0	250	
shall be provided for such facilities at a rate stated per <u>Regular Dwelling Unit</u> or <u>Rooming Unit</u>									
Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per <u>Regular Dwelling Unit</u> or <u>Rooming Unit</u>	0 sf.	N/A	0 sf.	0 sf.	0 sf.	0 sf.	0 sf.	0 sf.	9, 9
Size and shape of open space: An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown below:									
Private Open Space: is accessible from a single unit	10 ft. for space on the ground floor and 4 ft. on other floors								7, 8, 9
Rooftop: a type of group open space, includes decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants	15 ft.								7, 8, 9
Courtyard: a type of group open space that can be located anywhere within the subject property	15 ft.								7, 8, 9
Private Group Community Room: a type of interior group space that could include a movie room, kitchen, and/or gym	10 ft. (1/3 of the required usable open space can be used for this type)								7, 8, 9
Public Ground-Level Floor Plaza: a type of group open space (see Section	10 ft.								7, 8, 9

Regulation	Height Area								Additional Regulations
	45	45*	65	<u>95</u> <u>85</u>	<u>95</u> <u>85</u> / <u>135</u>	135	135/20 0	250	
17.127.030) located at street level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving									

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

Additional Regulations for Table 17.101C.04:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.101C.04 [Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

7. The following apply to open space standards. These requirements shall supersede those in Chapter 17.126:

c. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than the minimum height required by the Oakland Building Code.~~four (4) feet high.~~

d. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot, ~~except that ground-level space shall not be~~

~~located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line.~~ Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (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.

e. Landscaping requirements. At least ~~ten percent (10%)~~ fifty percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least twenty percent (20%) ~~thirty percent (30%)~~ of public ground-level ~~floor~~ plaza 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.

9. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to: (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space, except as provisions in state and local law requiring regulatory concessions for certain types of affordable and senior housing projects may apply.

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

Additional Regulations for Table 17.101C.06:

3. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

4. The overall number of residential units cannot exceed the General Plan density allowance of eighty-seven (87) square feet of lot area per principal unit.

5. The following apply to open space standards:

e. Landscaping requirements. At least ~~ten percent (10%)~~ fifty percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least twenty percent (20%) ~~thirty percent (30%)~~ of public ground-level ~~floor~~ plaza 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.

17.101C.060 - Special regulations for Planned Unit Developments.

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

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

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

17.101D.030 Permitted and conditionally permitted activities.

Table 17.101D.01 Permitted and Conditionally Permitted Activities

Activity Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Residential Activities				
Permanent	P	P	P	
Residential Care	P(L6)	P(L6)	P(L6)	17.103.010
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	
Emergency Shelter	C(L1)(L6)	C(L1)(L6)	C(L1)(L6)	17.103.010
Semi-Transient	⊖ <u>P</u>	⊖ <u>P</u>	⊖ <u>P</u>	17.103.010
Bed and Breakfast	C	C	C	17.10.125

Limitations on Table 17.101D.01:

L1. 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.

L2. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

L5. Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

L6. See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

17.101D.040 Permitted and conditionally permitted facilities.

Table 17.101D.02 Permitted and Conditionally Permitted Facilities

Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Residential Facilities				
One-Family Dwelling	P(L3)	P(L3)	P(L3)	17.103.080
Two- to Four-Family Dwelling	P(L3)	P(L3)	P(L3)	17.103.080
Multifamily Dwelling	P(L3)	P(L3)	P(L3)	17.103.080
Rooming House	P	P	P	
Vehicular	P	P	P	<u>17.103.080</u> 17.103.085

Limitations on Table 17.101D.02:

L3. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

17.101E.030 Permitted and conditionally permitted activities.

Table 17.101E.01: Permitted and Conditionally Permitted Activities

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Residential Activities							
Semi-Transient	—	—	Ⓞ <u>P</u>	Ⓞ <u>P</u>	—	—	17.103.010
Civic Activities							
Essential Service	P(L18)	P(L18)	P(L22)	P(L22)	P(L18)	P(L18)	
Limited Child-Care Activities	—	—	P	—	—	—	
Community Assembly	—	—	P(L2)	—	C	—	
Recreational Assembly	P	C	P(L2)	C	C	—	
Community Education	P	P	C	C	C	—	
Nonassembly Cultural	P	P	P(L2)(L3)	P(L3)	C	—	
Administrative	P	P	P(L3)	P(L3)	C	—	
Commercial Activities							
General Food Sales	P	P	P(L2)(L12)(L4)	P(L4)(L12)	P(L5)	P(L5)	
Full Service Restaurants	P	P	P(L4)	P(L4)	P(L5)	P(L5)	

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Limited Service Restaurant and Cafe	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Medical Service	—	—	<u>P(L2)</u>	—	—	—	
General Retail Sales	P	P	P(L5)	P(L5)	P(L5)	—(L6) <u>P(L6)</u>	
Consultative and Financial Service	P	P	<u>P(L2)</u> (L3)	P	C	—	
Consumer Dry Cleaning Plant	—	€ =	—	—	C	C	
Group Assembly	C	C	C	C	C	C(L8)	
Personal Instruction and Improvement Services	P	P	€ <u>P</u>	€ <u>P</u>	C	C(L8)	
Administrative	P	P	P(L3)	P(L3)	P	—(L9)	
Research Service	P	P	P(L3)(L10)	P(L3)(L10)	P	P	
General Wholesale Sales	—	P(L7)	P(L2)	P(L3)	P(L3)(L11)	P	
Transient Habitation	C	C	C	C	—	—	17.103.050
Building Material Sales	—	P	<u>P(L2)</u> (L10)	<u>P(L2)</u> (L10) (L12)	P	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	C	—	—	C	P(L14)	

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Automobile and Other Light Vehicle Repair and Cleaning	—	C(L13)	—	—	C	P(L14)	
Industrial Activities							
Custom Manufacturing	C	P	P(L3)(L10)(L12)	P(L3)(L10)(L12)	P	P	17.120
Light Manufacturing	C	P	P(L2)(L10)(L12)	P(L3)(L10)(L12)	P	P	17.120
Heavy/High Impact	—	—	—	—	—	C(L24)	
Research and Development	P(L2)	P(L3)(L10)	P(L3)(L10)	P(L3)(L10)	P	P	
Construction Operations	—	—	—	C(L10)	P(L14)	P(L14)	<u>17.103.065</u>
Warehousing, Storage, and Distribution-Related:							
A. General Warehousing, Storage and Distribution	C	—	P(L2)(L10)	P(L2)(L3)(L10)	P(L23)	P(L23)	<u>17.103.065</u>
B. General Outdoor Storage	—	—	—	—	P(L14)	P(L14)	
C. Self- or Mini-Storage	—	—	—	C	C(L25)	—	
D. Container Storage	—	—	—	—	P(L14)	P(L14)	
E. Salvage/Junk Yards	—	—	—	—	—	C(L24)	
Regional Freight Transportation-Related:							

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
A. Seaport	—	—	—	—	—	C	
B. Rail Yard	—	—	—	—	C	C	<u>17.103.065</u>
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	P(L14)	P(L14)	<u>17.103.065</u>
B. Truck Yard	—	—	—	—	<u>C(L24)</u>	P(L14)	<u>17.103.065</u>
C. Truck Weigh Stations	—	—	—	—	<u>P(L14)</u>	P(L14)	<u>17.103.065</u>
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	P(L14)	P(L14)	<u>17.103.065</u>
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L14)	P(L14)	<u>17.103.065</u>
Recycling and Waste-Related:							
A. Satellite Recycling Collection Centers	—	P(L15)	P(L15)	P(L15)	P(L15)	P(L15)	17.10.040
B. Primary Recycling Collection Centers	—	—	—	—	—	C(L16)	17.73.035 <u>17.103.065</u>
Hazardous Materials Production, Storage, and Waste Management-Related:							
A. Small Scale Transfer and Storage	—	—	—	—	<u>C(L24)</u>	C(L14)(L17)	

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
B. Industrial Transfer/Storage	—	—	—	—	—	C(L14)(L17)	
C. Residuals Repositories	—	—	—	—	—	C(L14)(L17)	
D. Oil and Gas Storage	—	—	—	—	—	C(L14)(L17)	
Agriculture and Extractive Activities							
Limited Agriculture	C(L19)	C(L19)	P(L20)	P(L20)	C(L19)	C(L19)	
Extensive Agriculture	C(L21)	C(L21)	C(L21)	C(L21)	C(L21)	C(L21)	
Plant Nursery	—	C	C	C	P	P	
Mining and Quarrying	—	—	—	—	—	—	

Limitations on Table 17.101E.01:

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

L2. The total floor area devoted to these activities by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L3. The total floor area devoted to these activities by any single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5. These activities are only allowed on the ground floor of a building. Except in D-CE-4, the total floor area devoted to these activities by any single establishment ~~shall~~ may only exceed ~~ten thousand (10,000) five thousand (5,000)~~ square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L6. Except for parcels facing High Street, Kennedy Street, Fruitvale Avenue, Alameda Avenue, and 23rd Avenue, General Retail Sales is only allowed as an accessory use per Section 17.10.040. For parcels facing High Street, Kennedy Street, Fruitvale Avenue, Alameda Avenue, and 23rd Avenue, the total floor area devoted to General Retail Sales by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L7. The total floor area devoted to these activities by any single establishment shall not exceed five thousand (5,000) square feet.

L8. Entertainment, educational and athletic services are not permitted.

L9. Administrative activities accessory to an existing Industrial Activity are limited to twenty percent (20%) of floor area in the D-CE-6 Zone.

L10. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L11. These activities are only allowed in the Tidewater South area of the D-CE-5 Zone; not permitted in any other areas of D-CE-5.

L12. Commercial kitchen operations that include the retail sale, from the premises, of any type of prepared food or beverage where orders are placed predominantly online or by telephone or mail order, and delivery to customers is provided by motor vehicle shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134) if it is the principal activity on a lot that is more than twenty five thousand (25,000) square feet, or covers more than twenty five thousand (25,000) square feet of floor area.

L14. A Conditional Use Permit is required if located within five hundred (500) three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-3 Zone; or c) any Open Space Zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones). This activity is permitted if located beyond five hundred (500) three hundred (300) feet.

L16. A Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required for ~~†~~This activity, but is not permitted within five hundred (500) three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-1, D-CE-2, D-CE-3, or D-CE-4 Zone; or c) any Open Space Zone. A Conditional Use Permit is required if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure). All special regulations for primary collection centers in the Industrial Zones must be met as listed in Section 17.73.035. See also Section 17.103.065

for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L20. Limited Agriculture is permitted outright if the activity occupies less than twenty thousand (20,000) square feet ~~one (1) acre~~ of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

L22. Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

L23. A Conditional Use Permit is required if located within five hundred (500) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure). See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones. Permitted if located beyond five hundred (500) feet of a Residential Zone.

L24. Prohibited if located within five hundred (500) feet of a Residential Zone. A Conditional Use Permit is required if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure). See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L25. A Conditional Use Permit is required if located within five hundred (500) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure); prohibited if located elsewhere throughout the zone. See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

17.101E.040 Permitted and conditionally permitted facilities.

Table 17.101E.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Residential Facilities							
One-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	17.103.080

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Two- to Four-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	17.103.080
Multifamily Dwelling	—(L1)	—(L1)	P(L5)	P(L5)	—(L1)	—(L1)	17.103.080
Rooming House	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Vehicular	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	<u>17.103.080</u> 17.103.085
Live/Work	—	—	P	P	—	—	

17.101E.050 Property development standards.

A. **Zone Specific Standards.** Table 17.101E.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

Table 17.101E.03 Property Development Standards

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum Lot Dimensions							
Lot Width mean	25 ft.	25 ft.	<u>25 ft.</u> 35 ft.	<u>25 ft.</u> 35 ft.	<u>35 ft.</u> 25 ft.	<u>35 ft.</u> 25 ft.	1
Frontage	25 ft.	25 ft.	<u>25 ft.</u> 35 ft.	<u>25 ft.</u> 35 ft.	<u>35 ft.</u> 25 ft.	<u>35 ft.</u> 25 ft.	1
Lot area	4,000 sf.	4,000 sf.	<u>2,500 sf.</u> 4,000 sf.	<u>2,500 sf.</u> 4,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks							
See also "Design Guidelines for the Central Estuary" Section 3.3.							

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum front	0 ft.	0 ft.	10 ft.	10 ft.	5 ft.	5 ft.	2, 20
Minimum interior side	0 ft.	0 ft.	4 ft. 4 ft.	0 ft.	0 ft.	0 ft.	2, 20
Minimum street side of a corner lot	0 ft.	0 ft.	<u>Minimum front and side yards shall be consistent with the adopted "Design Guidelines for the Central Estuary".</u>	<u>4 ft. 5 ft.</u>	5 ft.	5 ft.	2, 20
Rear (Residential Facilities)	N/A	N/A	10 ft.	10 ft.	N/A	N/A	3, 20
Rear (Nonresidential Facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2, 20
Reduced Setbacks for Smaller Lots	See Table 17.101E.04 for reduced setbacks for smaller lots						20
Height Regulations See also "Design Guidelines for the Central Estuary" Section 4.2.							
Maximum height	45 ft.	<u>95 ft.</u> 85 ft.	45/55 ft.	<u>95 ft. 75 ft.</u>	<u>95 ft. 85 ft.</u>	N/A	4, 5, 6, 7
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free-standing walls; and Design Guidelines for the Central Estuary Section 3.8.						

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum fence height in yards adjacent to <u>Residential and Open Space Zones</u>	See Chapter 17.108.140 for fences, dense hedges, barriers, & free-standing walls; and "Design Guidelines for the Central Estuary" Section 3.8.				8 ft.	8 ft.	8
Maximum fence height adjacent to <u>Residential and Open Space Zones</u>	8 ft.	N/A	8 ft.	8 ft.	12 ft.	12 ft.	8
Maximum Residential Density (square feet of lot area required per dwelling unit) See also "Design Guidelines for the Central Estuary" Section 4.3.							
Regular Dwelling Units	N/A	N/A	700	<u>500</u> 700	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	<u>250</u> 350	N/A	N/A	9, 10
Efficiency Dwelling Units	N/A	N/A	350	<u>250</u> 350	N/A	N/A	9, 10
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	2.0	3.0	3.0	3.0	3.0	2.0	10
Minimum Usable Open Space See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per Regular Dwelling Unit	N/A	N/A	<u>75 ft.</u> 150-sf.	<u>75 sf.</u> 100 sf.	N/A	N/A	11

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Group usable open space per Regular Dwelling Unit when private open space substituted	N/A	N/A	<u>20 ft. 30-sf.</u>	20 sf.	N/A	N/A	11
Group usable open space per Rooming Unit	N/A	N/A	<u>38 ft. 75-sf.</u>	<u>38 sf. 50-sf.</u>	N/A	N/A	11
Group usable open space per Rooming Unit when private open space is substituted	N/A	N/A	<u>10 ft. 45-sf.</u>	10 sf.	N/A	N/A	11
Group usable open space per Efficiency Dwelling Unit	N/A	N/A	<u>38 ft. 75-sf.</u>	<u>38 sf. 50-sf.</u>	N/A	N/A	11
Group usable open space per Efficiency Dwelling Unit when private open space is substituted	N/A	N/A	<u>10 ft. 45-sf.</u>	10 sf.	N/A	N/A	11
Minimum Parking and Loading Requirements	<p>See Chapter 17.116 for loading and automobile parking requirements;</p> <p>Chapter 17.117 for bicycle parking requirements; and</p> <p>"Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8. For Boat, and Marine Related Sales, Rental, Repair and Servicing Activities, see Section 17.101E.110</p>						12, 19

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Courtyard Regulations	N/A	N/A	See Section 17.108.120	See Section 17.108.120	N/A	N/A	
Driveway and Site Access Regulations See also "Design Guidelines for the Central Estuary" Sections 3.4 and 3.7.							
Minimum Distance of driveway or site access from any Residential or Open Space Zone boundary	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				50 ft.	50 ft.	16
Driveway Width Maximum	See Section 17.116.210 Driveways and Maneuvering Aisles for <u>requirements</u> Parking				35 ft.	35 ft.	17
Pedestrian Walkway	N/A	N/A	N/A	N/A	Required	Required	18
Frontage Type Standards	See Table 17.101E.05. See also "Design Guidelines for the Central Estuary" Section 4.1.						

Additional Regulations for Table 17.101E.03:

2. See also Section 17.108.130 for allowed projections into setbacks, and see the "Design Guidelines for the Central Estuary", Sections 3.3 and 4.1.
3. In the D-CE-3 and D-CE-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than five (5) ~~ten (10)~~ feet. Also, wherever a rear lot line abuts another lot where the existing primary facility is nonresidential, the required minimum rear setback shall be reduced to five (5) feet. Ssee Section 17.108.130 for allowed projections into setbacks.
4. Buildings shall have a thirty (30) foot maximum height at the required setback line associated with any rear lot line that directly abuts a lot with a residential building. This

maximum height shall increase one (1) foot for every foot away from the applicable setback line if the residential building on the abutting lot has a height of thirty (30) feet or less. If the residential building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase four (4) feet for every foot away from the applicable setback line. An increase in allowable height shall not exceed ~~resulting from construction away from a setback line shall not result in a height greater than~~ the maximum height allowed in the zone. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

~~5. In the D-CE-3 Zone, the fifty-five (55) foot height maximum may only be achieved if the proposed building is scaled to a context that will be compatible with adjacent uses. See the "Design Guidelines for the Central Estuary", Sections 3 and 4, to ensure that proposed buildings in the D-CE-3 Zone are scaled to a context that will be compatible with adjacent uses.~~

6. In the D-CE-3 Zone, the maximum heights may be exceeded in the following situations: Structures that are either: 1) on lots adjacent to, or directly across the street from a freeway right-of-way or Bay Area Rapid Transit (BART) right-of-way that contains above-ground tracks; ~~or and~~ 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right-of-way are eligible for a ninety-five (95) ~~seventy-five (75)~~ foot height limit. This additional height is permitted only upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). See also the "Design Guidelines for the Central Estuary", Sections 3 and 4.

~~10. As specified in Section 17.106.030, the total lot area shall be used as the basis for computing both the maximum nonresidential FAR and the maximum residential density for mixed use projects. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.~~

13. Any new principal residential building or addition over one thousand (1,000) ~~five hundred (500)~~ square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding any permitted Accessory Dwelling Units. The landscaping and buffering plan shall contain the following:

B. **Reduced Setbacks for Smaller Lots.** Table 17.101E.04 below prescribes reduced setback standards for lots less than three thousand (3,000) ~~four thousand (4,000)~~ square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.101E.04 Reduced Setbacks for Smaller Lots

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

Regulation	Lot Size	Additional Regulations
	≤ 3,000 sf. or ≤ 35 feet wide	
Minimum street side	3 ft.	1
Rear	10 ft.	1

17.101E.070 Special regulations for Work/Live Units.

C. **Regular Design review requirement.** Establishment of a Work/Live unit shall only be 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 if Regular Design Review is applicable, to all of the following additional criteria:

D. Table 17.101E.06 below prescribes special regulations for Work/Live Units. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

"P" designates permitted activities in the corresponding zone.

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

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

"N/A" designates the regulation is not applicable to the specified zone.

Table 17.101E.06 Special Regulations for Work/Live Units

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Activities Allowed							
Work/Live - new construction	—	—	P	P	—	—	
Work/Live - conversion of existing building	—	—	P	P	C	—	1

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Activities allowed in a Work/Live unit	N/A	N/A	Same permitted and conditionally permitted activities as described in Section 17.101E.030	Same permitted and conditionally permitted activities as described in Section 17.101E.030	Same permitted and conditionally permitted activities as described in Section 17.101E.030	N/A	
Minimum Size of Work/Live Unit	N/A	N/A	800 sf.	800 sf.	800 sf.	N/A	
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	N/A	N/A	3.0	3.0	N/A	N/A	2
Work/Live Unit Type Permitted See Table 17.101E.07 for definitions of the different types of Work/Live units.							
Type 1	—	—	P	P	C	—	3
Type 2	—	—	P	P	—	—	3
Minimum Usable Open Space - See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per Work/Live Unit	N/A	N/A	75 sf.	75 sf.	N/A	N/A	4
Parking and Loading Requirements - See also "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8.							

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum parking spaces required per Work/Live Unit	N/A	N/A	See Chapter 17.116 for parking requirements ⁴	See Chapter 17.116 for parking requirements ⁴	N/A	N/A	5
Required Loading - See also "Design Guidelines for the Central Estuary" Section 3.6							
Less than 50,000 25,000 sf.	N/A	N/A	No berth	No berth	N/A	N/A	5, 7
50,000 – 199,000 sf. 25,000– 69,999 sf.	N/A	N/A	1 berth	1 berth	N/A	N/A	5, 7
200,000 sf. or more 70,000– 129,999 sf.	N/A	N/A	2 berths	2 berths	N/A	N/A	5, 7
130,000 sf. or more	N/A	N/A	3 berths	3 berths	N/A	N/A	5, 7
Public Entrance to Nonresidential Floor Area	N/A	N/A	Yes	Yes	Yes	N/A	8

Additional Regulations for Table 17.101E.06:

1. Use Permit Criteria. A conditional use permit for a Work/Live unit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional use permit criteria:

- a. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and
- b. That the workers and others living there will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions.

2. Work/Live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. See Table 17.101E.07 for definitions of the different types of Work/Live units.
4. Open space standards shall apply to new construction and additions only. No additional open space is required for Work/Live units within an existing building. For conversion of existing buildings, maintaining the amount of existing open space is required to at least these minimum standards. If there is more open space on the lot than required, then it can be reduced to the minimum required. All required usable open space shall meet the useable open space standards contained in Chapter 17.126, except that all useable open space may be provided on roof tops, podiums or other non-ground level areas. Further, each square foot of private useable open space equals two (2) square feet towards the total usable open space requirement.
5. Parking and loading standards shall apply to new construction and additions only. No additional parking or loading is required for Work/Live units within an existing building. For conversion of existing buildings, maintaining the amount of existing parking and loading is required to at least these minimum standards. If there is more parking or loading spaces on the lot than required, then each can be reduced to the minimum required. See Chapter 17.116 for other off-street parking and loading standards.
6. See Chapter 17.117 for other bicycle parking requirements.
7. See Chapter 17.116 for other loading standards.
8. Each D-CE-3 and D-CE-4 Work/Live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.

17.101E.090 Special Regulations for Planned Unit Developments.

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

AB. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the D-CE-3 and D-CE-4 Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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

17.101G.030 Permitted and conditionally permitted activities.

Table 17.101G.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	

Limitations on Table 17.101G.01:

L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L4. With the exception of parcels facing Broadway and 14th Street, the total linear frontage length devoted to these activities by any single establishment both on the ground floor and within thirty (30) feet of the principal street frontage ~~by any single establishment~~ may only exceed twenty-five percent (25%) of the total linear frontage length from street corner to street corner upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Any single establishment may only exceed twelve thousand (12,000) square feet in floor area upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L5. If located on a Commercial Corridor, as defined in Section 17.101G.010.C with the exception of 8th, 9th, Franklin, Webster and Harrison Streets between 7th, 10th, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet of an applicable street frontage, from any street abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). If located on 8th, 9th, Franklin, Webster and Harrison Streets between 7th, 10th, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet of an applicable street frontage, from any street abutting property line, any single establishment may only exceed five thousand (5,000) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades;
- b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
- c. The proposal will not interfere with the movement of people along an important pedestrian street.

L6. 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 within thirty (30) feet of the principal street frontage of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building), the proposed activities must also meet the criteria contained in Note L5, above.

L7. These activities may only be located on or below the ground floor of a building with the following exceptions:

a. If the floor area devoted to the activity is less than two thousand (2,000) square feet and the activity takes place in a Local Register property, then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).

b. An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to Nonresidential Activities in the building is less than the floor area devoted to Residential Activities; 2) 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 3) there is a direct internal connection between the ground floor and the second story activities.

L8. 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.

L9. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

L10. 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.

L11. 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.

L12. The total floor area devoted to these activities by any single establishment shall only not exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

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.

L14. Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure or in a below grade parking lot. Auto fee parking is otherwise prohibited.

L15. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than five thousand (5,000) square feet ~~one (1) acre~~ of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L16. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

17.101G.040 Permitted and conditionally permitted facilities.

Table 17.101G.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Residential Facilities						
One-Family Dwellings	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two- to Four-Family Dwelling	P(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	17.103.080
Multifamily Dwelling	P(L6)	P(L6)	P(L6)	P(L6)	P(L6)	17.103.080
Rooming House	P	P	P	P	P	
Vehicular	P	P	P	P	P	<u>17.103.080</u> 17.103.085

Limitations on Table 17.101G.02:

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

L5. A Two- to Four-Family Dwelling that meets all applicable requirements set forth in the Planning and Building Codes is permitted if it is the result of an approved conversion of an existing One-Family Dwelling.

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

17.101G.050 Property development standards.

B. Height, Bulk, and Intensity Area Specific Standards. Table 17.101G.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in the Zoning Maps. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified Height/Bulk/Intensity Area.

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

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-9585	LM-175	LM-275	
Maximum Height					
Building Base	45 ft.	45 ft.	45 ft. base; <u>95 ft. 85 ft.</u> base upon granting of CUP and additional findings in Note 2.a, b, c	45 ft. base; <u>95 ft. 85 ft.</u> -base upon granting of CUP and additional findings in Note 2.a, b, c	1
Maximum Height Total	45 ft.	<u>95 ft. 85 ft.</u>	175 ft.	275 ft.	2
Height Area Exceptions Allowed With Conditional Use Permit (CUP)	N/A	LM-175 standards allowed for 5 bldgs. total (2 on east side and 3 on west side of Lake Merritt Channel); LM-275 standards allowed for 3 bldgs. total (1 on east side and 2 on west side of Lake Merritt Channel)	LM-275 standards allowed for 3 bldgs. total	Not applicable	2
Minimum Height					
New principal buildings	25 ft.	35 ft.	35 ft.	35 ft.	3
Maximum Residential Density (Square Feet of Lot Area Required Per Unit)					
Regular Dwelling Unit	450	225	110	110	2, 4

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-9585	LM-175	LM-275	
Rooming Unit	225	110	55	55	2, 4
Efficiency Dwelling Unit	225	110	55	55	2, 4
Maximum Nonresidential Intensity (Floor Area Ratio)					
Maximum Nonresidential Floor Area Ratio (FAR)	2.5	5	8	12	2, 4
Tower Regulations					
Setback of Tower from Building Base	N/A	0 ft., for buildings not exceeding <u>95 ft.</u> 85 ft. in height 10 ft., along at least 50% of the perimeter length of base for buildings exceeding <u>95 ft.</u> 85 ft. in height	20 ft., along at least 50% of the perimeter length of the building base; 10 ft., along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c	20 ft., along at least 50% of the perimeter length of the building base; 10 ft., along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c	See additional CUP findings in Note 2 below
Maximum average per story lot coverage above building base	N/A	N/A	70 65% of site area or <u>15,000</u> 10,000 sf, whichever is greater	80 75% of site area or <u>15,000</u> 10,000 sf, whichever is greater	2, 5
Maximum tower elevation length	N/A	N/A	150 ft.	150 ft.	2, 5
Maximum diagonal length	N/A	N/A	180 ft.	180 ft.	2, 5

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-9585	LM-175	LM-275	
Minimum distance between towers on the same lot	N/A	N/A	50 ft.	50 ft.	2

Notes:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

2. Height Area Exceptions. In Height/Bulk/Intensity Areas LM-95 85—and LM-175, a limited number of buildings, as prescribed above in Table 17.101G.04, may be allowed to utilize the same height/bulk/intensity standards that typically apply to either Height/Bulk/Intensity Area LM-175 or LM-275 upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

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

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

- i. Applications for any of the limited number of allowed height area exceptions prescribed in Table 17.101G.04 shall be reviewed on a first come, first served basis.
- ii. A project shall secure a position as one of the specified height area exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.
- iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.

3. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030.

4. For mixed use projects in the D-LM Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.

5. The maximum tower elevation length, diagonal length, and average per story lot coverage above the building base may be increased by up to thirty percent (30%) upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- a. The proposal will result in a signature building within the neighborhood, City, or region based on qualities, including but not limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

17.101G.060 Usable open space standards.

A. **General.** This Section contains the usable open space standards and requirements for residential development in the D-LM Zones. These requirements shall supersede those in Chapter 17.126.

B. **Definitions of D-LM usable open space types.** The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:

1. **"Private Usable Open Space".** Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
2. **"Public Ground-Level Floor Plaza".** Public ground-level floor-plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas shall be publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
3. **"Rooftop Open Space".** Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
4. **"Courtyard".** A courtyard is a type of group usable open space that can be located anywhere within the subject property.
5. **"Off-Site Open Space".** Off-site open spaces are group usable open space at ground-level street floor or podium-level within one thousand (1,000) feet of a residential development. Off-site open spaces shall be publicly accessible during daylight hours and are maintained by the property owner.
6. **"Community Room".** Community room can be located anywhere on the subject property and shall be available for use by all members of said residential development.

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

1. **Area.** On each lot containing Residential Facilities with a total of two (2) or more living units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at the following rates:

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

Type of Living Unit	Minimum Open Space Area Required
Senior Housing Unit	Thirty (30) Thirty-eight (38) square feet per unit
Affordable Housing Unit	Thirty-eight (38) Sixty (60) square feet per unit
Rooming Unit	Thirty (30) Thirty-eight (38) square feet per unit
Efficiency Dwelling Unit	Thirty (30) Thirty-eight (38) square feet per unit
Residential Unit within a Building on the Local Register of Historic Resources	Thirty (30) Thirty-eight (38) square feet per unit
Other Residential Unit	Sixty (60) Seventy-five (75) square feet per unit

2. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.101G.06: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension or Size	Notes
Private	10 ft. for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft.	
Rooftop	15 ft.	Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward this dimension.
Courtyard	15 ft.	
Off-Site Open Space	10 ft.	
Community Room	250 square feet	

3. **Openness.** Except for indoor Community Rooms, there shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

4. **Location.** Required usable open space may be located anywhere on the lot, ~~except that not more than fifty percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.~~
 5. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
 6. **Accessibility.** Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot, ~~except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line.~~ Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- D. Landscaping requirements. At least ten percent (10%) ~~fifty percent (50%)~~ of rooftop, or courtyard, or public ground-level plaza usable open space area shall include landscaping enhancements. ~~At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements.~~ Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.
 - E. In-Lieu Fee. The open space requirements of this Section may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements. The open space in-lieu fee shall be as set forth in the Master Fee Schedule. Open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
 - F. Variances. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to: (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter. The granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space, except as provisions in state and local law requiring regulatory concessions for certain types of affordable and senior housing projects may apply.

Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

17.101H.030 Permitted and conditionally permitted activities.

Table 17.101H.01: Permitted and Conditionally Permitted Activities

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Residential Activities							
Permanent	P	P	—	C(L4)	—	—	
Residential Care	P(L1)	P(L1)	—	C(L1)(L4)	—	—	17.103.010
Supportive Housing	P	P	—	C(L4)	—	—	
Transitional Housing	P	P	—	C(L4)	—	—	
Emergency Shelter	<u>C(L1)</u>	<u>C(L1)</u>	—	<u>C(L1)(L4)</u>	—	—	17.103.010
Semi-Transient	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	—	<u>C(L4)</u>	—	—	17.103.010
Bed and Breakfast	—	—	—	—	—	—	17.10.125
Civic Activities							
Essential Service	P	P	P	P	P	P	
Limited Child-Care Activities	P	P	C	C(L6)	—	—	
Community Assembly	C	C	C	C	C	C	
Recreational Assembly	P	P	P	P	C	C	
Community Education	P	P	C	C	—	C	
Nonassembly Cultural	P	P	P	P	C	C	
Administrative	P	P	P	P	C	C	

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Health Care	C	C	C	C	—	—	
Special Health Care	—	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C(L5)	C	C	C	
Commercial Activities							
General Food Sales	P	P	P	P(L2)	P(L2)	P(L2)	
Full Service Restaurants	P	P	P	P(L2)	P(L2)	P(L2)	
Limited Service Restaurant and Cafe	P	P	P	P(L2)	P(L2)	P(L2)	
Fast-Food Restaurant	C	C	C	—	—	—	17.103.030 and 8.09
Convenience Market	C	C	C	C	—	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C	—	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	P	C(L6)	—	—	—	
Medical Service	P	P	C	C	C	C	
General Retail Sales	P	P	P	P	C(L10)	P	
Large-Scale Combined Retail and Grocery Sales	—	C	—	—	—	—	
Consumer Service	P(L8)	P(L8)	P(L8)	P(L8)	C	C	17.102.170 and 17.102.450

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Consultative and Financial Service	P	P	P	P	—	—	
Check Cashier and Check Cashing	—	—	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	P	P	P	P	—	—	
Consumer Dry Cleaning Plant	C	C	C	C	—	—	
Group Assembly	P(L14)	P(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Personal Instruction and Improvement Services	P	P	P	C	C	C	
Administrative	P	P	P	P	P	P	
Business, Communication, and Media Services	P	P	P	P	P	P	
Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P	P	P	P	
General Wholesale Sales	P(L2)	P(L2)	P(L3)	P(L2)	P	P(L2)	
Transient Habitation	C	C	C	C	—	C	17.103.050
Building Material Sales	—	—	—	—	C	—	
Automobile and Other Light	C	C	<u>C</u> <u>P</u>	—	—	C	

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Vehicle Sales and Rental							
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	C(L11)	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	C(L11)	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	
Automotive Fee Parking	C	C	C(L11)(L15)	C	C	C	
Animal Boarding	—	—	C(L11)(L13)	—	—	—	
Animal Care	C	C	C	—	—	—	
Undertaking Service	—	—	—	—	—	—	
Industrial Activities							
Custom Manufacturing	P	P	P	P	P	P	17.120
Light Manufacturing	C	P	P	P(L3)	P	P	17.120
General Manufacturing	—	—		—	C(L11)(L13)	—	<u>17.103.065</u>
Heavy/High Impact	—	—	—	—	—	—	
Research and Development	P	P	P	P	P	P	
Construction Operations	—	—	—	—	C(L7)	—	<u>17.103.065</u>

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Warehousing, Storage, and Distribution-Related:							
A. General Warehousing, Storage and Distribution	—	P(L3)(L9)	P(L9)	P(L3)(L9)	P(L9)	P(L9)	<u>17.103.065</u>
B. General Outdoor Storage	—	—	—	—	C(L11)(L13)	C(L13)	
C. Self- or Mini-Storage	—	—	—	—	— C(L11)	—	
D. Container Storage	—	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	—	
Regional Freight Transportation-Related:							
A. Seaport	—	—	—	—	—	—	
B. Rail Yard	—	—	—	—	—	—	
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	C(L7)	—	<u>17.103.065</u>
B. Truck Yard	—	—	—	—	C(L7)	—	<u>17.103.065</u>
C. Truck Weigh Stations	—	—	—	—	C(L7)	—	<u>17.103.065</u>
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	C(L7)	—	<u>17.103.065</u>
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	C(L7)	—	<u>17.103.065</u>
Recycling and Waste-Related:							

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	—	17.73.035
Hazardous Materials Production, Storage, and Waste Management-Related:							
A. Small Scale Transfer and Storage	—	—	—	—	—	—	
B. Industrial Transfer/Storage	—	—	—	—	—	—	
C. Residuals Repositories	—	—	—	—	—	—	
D. Oil and Gas Storage	—	—	—	—	—	—	

Limitations on Table 17.101H.01:

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

L2. The total floor area devoted to these activities by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L3. The total floor area devoted to these activities by any single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see

Chapter 17.134 for the CUP procedure). See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L4. This activity is only permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and to all of the following additional use permit criteria:

1. That the project is designed in a way that minimizes the potential health impacts of locating a residential use near the surrounding activities;
2. That new development will meet residential environmental safety standards;
3. That the design of the development and site accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters in a manner that protects both human infrastructure as well as the natural aquatic resources of San Leandro Bay;
4. That aviation easements for the Oakland International Airport will be negotiated with future owners or tenants, and deed disclosures about proximity to Airport operations will be made; and
5. That measures that minimize adverse impacts to the surrounding activities have been incorporated into the project.

L5. The Extensive Impact Civic Activity category includes, but is not limited to, stadiums and sports arenas (see Section 17.10.240.Q). In the D-CO-3 Zone, stadiums and sports arenas are only allowed in the area between Damon Slough and Elmhurst Creek.

L6. Conditionally permitted if located in the D-CO-3 or D-CO-4 Zones between Damon Slough and Elmhurst Creek; prohibited if located elsewhere in the D-CO-3 or D-CO-4 Zones (see Chapter 17.134 for the CUP procedure).

L7. In the D-CO-5 Zone, these activities are only allowed in the area between San Leandro Creek and Doolittle Drive. See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L8. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to Laundromats.

L9. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L10. Permitted ~~outright~~ if located within five hundred (500) feet of Highway 880 or Hegenberger Road; conditionally permitted if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure).

L11. Except for such uses that are accessory to an approved Automobile and Other Light Vehicle Sales and Rental Commercial Activity, these activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way. See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.

L13. Any Outdoor Storage activities to be located within five hundred (500) ~~three hundred (300)~~ feet of: a) the Oakport Street right-of-way; b) the Estuary or Bay shoreline; c) the Damon Slough, Elmhurst Creek, East Creek Slough, or San Leandro Creek top of bank; or d) any Open Space Zone shall only be permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and to all of the following additional use permit criteria:

a4. The activity is screened in a manner as determined by the Planning Director, including but not limited to, buffer planting installed along the site exterior; and

b2. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding district in terms of noise, water and pollutant runoff, heavy equipment operation, hours of operation, odor, security, and vehicular traffic.

L14. 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.

L15. Existing automotive fee parking lots within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.

L16. Limited Agriculture is permitted ~~outright~~ if the activity occupies less than twenty thousand (20,000) square feet ~~one (1) acre~~ of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L17. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

a4. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.

17.101H.040 Permitted and conditionally permitted facilities.

Table 17.101H.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Residential Facilities							

Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
One-Family Dwelling	—(L4)	—(L4)	—	—	—	—	17.103.080
Two- <u>to Four</u> -Family Dwelling	P(L5)	P(L5)	—	C(L5)	—	—	17.103.080
Multifamily Dwelling	P(L5)	P(L5)	—	C(L5)	—	—	17.103.080
Rooming House	<u>P</u>	<u>P</u>	—	<u>C</u>	—	—	
Vehicular	P	P	—	C	—	—	<u>17.103.080</u> 17.103.085

17.101H.050 Property development standards.

Zone Specific Standards. Table 17.101H.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified zone.

Table 17.101H.03 Property Development Standards

Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Minimum/Maximum Setbacks							
Minimum front	0 ft.	0 ft.	0/10 ft.	0 ft.	10 ft.	0/10 ft.	2, 10
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2, 10
Minimum street side of a corner lot	0 ft.	0 ft.	0 ft.	0 ft.	10 ft.	10 ft.	2, 10
Rear (Residential Facilities)	10 ft.	10 ft.	N/A	10 ft.	N/A	N/A	2, 3, 10
Rear (Nonresidential Facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	3, 10
Height Regulations							

Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Maximum height	159 ft.	159 ft.	159 ft.	85 ft. 95 ft.	85 ft. 95 ft.	85 ft. 95 ft.	4, 5, 6 Exceptions to the maximum height of 159 feet may be allowed in D-CO-1, -2, and -3, pursuant to the additional regulations in this Table
Maximum fence height adjacent to Residential and Open Space Zones	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	
Minimum Usable Open Space							
Usable Open Space per Regular Dwelling Unit	75 sf.	75 sf.	N/A	100 sf. 75 sf.	N/A	N/A	
Usable open space per Rooming Unit	38 sf.	38 sf.	N/A	50 sf. 38 sf.	N/A	N/A	
Usable open space per Efficiency Dwelling Unit	38 sf.	38 sf.	N/A	50 sf. 38 sf.	N/A	N/A	

Additional Regulations for Table 17.101H.03:

2. Except for retail and similar facilities oriented toward pedestrian activity, in the D-CO-3 Zone, a minimum front yard setback area of twenty (20) ten (10) feet shall apply in the D-CO-3 Zone to frontages adjacent to the Hegenberger Road right-of-way and ten (10) feet in the D-CO-3 Zone to frontages adjacent to the Oakport Street right-of-way, except for retail and similar facilities oriented toward pedestrian activity. This minimum front yard in the D-CO-3 Zone, where

applicable, shall be developed as open landscaped areas, including but not limited to lawn, ground cover, shrubs, trees, and decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. In the D-CO-1, D-CO-2, and D-CO-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.

5. Exceptions to Height Standards. In D-CO-1, D-CO-2, and D-CO-3, buildings and structures may only be allowed to exceed the maximum height of one hundred fifty-nine (159) feet above mean sea level and the maximum applicable Federal Aviation Regulations (FAR) Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan in the following situation; ~~only:~~

- a) The proposed structure has been reviewed by the FAA in accordance with FAR Part 77 and the City receives:
 - i) An FAA finding that the structure is “No Hazard To Air Navigation” and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an Alameda County Airport Land Use Commission (ALUC) determination that the proposed structure is consistent with the Oakland International Airport Land Use Compatibility Plan (ALUCP); and
 - ii) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards; and
- b) The additional height has received approval pursuant to the City’s conditional use permit procedure (see Chapter 17.134).

6. Buildings shall have an ninety-five (95) ~~eighty-five (85)~~ foot maximum height when located within one hundred (100 feet) of any lot line that abuts a lot in a RH, RD, RM, RU, or S-15 Zone. In addition, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abuts a lot in a RH, RD, RM, or RU Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.101H.03 [Additional Regulation 6], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

17.101H.090 Special regulations for Planned Unit Developments.

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

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

permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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

17.101J.030 – Permitted and conditionally permitted activities.

Table 17.101J.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones							Additional Regulations
	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	
Civic Activities								
Essential Service	P(L4)(14)	P(L4)(14)	P(L4)(14)	P(L4)(14)	P(L4)(14)	P(L4)(14)	P(L4)(14)	
Limited Child-Care Activities	P	P	P	P	P	—	—	
Community Assembly	C	C	C	C	P	P(L3)	—	
Recreational Assembly	C	C	C	P	C	P(L4)	—	
Community Education	C	C	C	C	C	—	—	
Nonassembly Cultural	C	C	C	P	P	—	—	
Administrative	—	—	—	P	P	—	—	
Health Care	—	—	—	C(L5)	P(L6)	—	—	
Special Health Care	—	—	—	—	—	—	—	17.103.020
Utility and Vehicular	C	C	C	C	—	—	—	
Extensive Impact	—	—	—	—	—	—	—	

Limitations on Table 17.101J.01:

L4. The following Recreational Assembly and Essential Service Civic Activities are permitted: playgrounds and playing fields; basketball courts, tennis courts, handball courts, lawn bowling, leisure areas, and similar outdoor park and recreational facilities; picnic areas; community gardens; dog run areas; and uses accessory to these permitted uses. The following Recreational Assembly Civic Activities are conditionally permitted: food service and other concessions; temporary nonprofit festivals; community outdoor swimming and wading pools, and other water play features; and permanent bleacher seating and outdoor field lighting.

L5. In addition to the Conditional Use Permit (CUP) criteria required under Section 17.134.050, as modified by Section 17.101J.070, the following additional criteria also must be met:

1. That the proposal will not interfere with the operations of the surrounding uses;
2. That the proposal will not exceed five thousand (5,000) square feet on the ground floor; and
3. That the proposal will not interfere with the movement of people along the sidewalk or pedestrian walkways.

L7. The total floor area devoted to these activities is limited to five thousand (5,000) square feet.

L8. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

L12. In areas with existing kitchen facilities, Custom Manufacturing Activities that require a kitchen, such as beverage and food production, are permitted. Temporary demonstrations, educational programs, and workshops about any custom manufacturing activity are permitted. Commercial kitchen operations that include the retail sale, from the premises, of any type of prepared food or beverage where orders are placed predominantly online or by telephone or mail order, and delivery to customers is provided by motor vehicle shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). The permanent establishment of Custom Manufacturing Activities that do not require kitchens or in any area that does not contain existing kitchen facilities requires a Major Conditional Use Permit.

L13. Other than Community Gardens (see Note L14), Limited Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 and Section 17.101J.070 for the CUP procedure and criteria). In addition to the CUP criteria contained in Section 17.134.050 and Section 17.101J.070, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

L14. Community Gardens are permitted outright if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

17.101J.040 – Permitted and conditionally permitted facilities.

Table 17.101J.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones	

	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	Additional Regulations
Residential Facilities								
One-Family Dwelling	P(L5)	P(L5)	C(L5)	—	—	—	—	17.103.080
Two- to Four-Family Dwelling	—	—	P(L5)	—	—	—	—	17.103.080
Multifamily Dwelling	—	—	P(L5)	—	—	—	—	17.103.080
Rooming House	—	—	—	—	—	—	—	
Vehicular	P	P	C	—	—	—	—	<u>17.103.080</u> 17.103.085
Nonresidential Facilities								
Enclosed Nonresidential	—	—	—	P	P	C	—	
Open Nonresidential	P	P	P	C	C	P	P	
Sidewalk Cafe	—	—	—	P(L1)	—	—	—	17.103.090
Drive-In	—	—	—	—	—	—	—	
Drive-Through	—	—	—	P(L2)	—	—	—	17.103.100

Limitations on Table 17.101J.02:

L1. Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or ~~Limited Service~~ Limited-Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:30 p.m. See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

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

17.101J.080 – Other zoning provisions.

- J. Hillside Subdivisions. The regulations set forth in Oakland Municipal Code Chapter 16.28 shall not apply in the D-OK Zones.