

Location: Citywide

Item: Review proposed citywide Planning Code amendments, including proposals to: 1) Revise development standards in RD, RM and RU Zones; 2) Permit 'Group Assembly' and 'Personal Instruction Services' with Conditional Use Permit (CUP) and reduce restrictions on Commercial Activities in R-80 Zone; 3) Allow Custom Manufacturing with CUP on ground floor in CN Zones; 4) Increase minimum ground floor height in RU, CN and CC Zones; 5) Clarify that new Residential Facilities are prohibited in CC-3 Zone, and restricted in CR-1 Zone to serve only certain activities; 6) Revise CR Zone front setback; 7) Permit 'Group Assembly' and 'Personal Instruction Services' in C-45 Zone; 8) Revise density regulations in HBX Zones; 9) Modify density ranges for the 55-ft., 60-ft. and 75-ft. height map areas in all applicable zones; 10) Standardize fence standards in Chapter 17.73 and Section 17.108.140; 11) Add regulations for Large-Scale Developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones without a T overlay; 12) Make the Use Permit findings for S-15 and D-CO-1 Zones the same; 13) Modify the Large-Scale Development regulations in S-15 Zones to correct references and standardize language; 14) Revise S-19 provisions to conform to long-standing mapping practice; 15) Add the Wood Street Property Development Standards to Ch. 17.101A and make minor revisions; 16) Clarify that strict discontinuance regulations in Section 17.114.050 don't apply to CIX-1A, -1B, -1C, and -1D Zones with T overlay; 17) Add maximum loading requirements to Chapter 17.116, and remove conflicting parking regulations from individual zone chapters; 18) Change Major CUP thresholds for RM, R-80, C-40, C-45, S-1, and S-2 Zones; 19) Revise Ch. 17.136 to clarify regulations for demolition or removal of structures in CIX-1A Zone, and to standardize design review threshold for Track 3 Small Project; 20) Revise mini-lot regulations; and 21) Make minor Planning Code Text changes to improve clarity.

Review proposed geographically specific Zoning Map and Height Area amendments, including proposals to: 1) Amend map and height designations for the 3rd to 7th Street areas between West Oakland BART and Downtown; 2) Amend map designations for the west side of Mandela Parkway from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle; 3) Amend the map designation from RM-2 to RM-4 for the portion of Adeline St. between 18th and 19th; 4) Bring rear portion of parcel at San Pablo Avenue and 33rd Street into adjacent RU-5 zone with 60 ft. height; and 5) Amend map designations for the Wood Street Zone to convert Development Areas 1-9 into nine separate zoning districts.

Applicant: City of Oakland

Case File Number: ZT16030

General Plan: Citywide

Zoning: Citywide

Environmental Determination:

The proposed amendments to the Planning Code Text, Map and Height Areas rely on the previously certified set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

Staff

Recommendation: Review, discuss and recommend approval to the City Council

For Further

Information: Contact Ed Manasse at 238-7733 or email emanasse@oaklandnet.com

PROJECT SUMMARY

The Land Use and Transportation Element (LUTE) of the Oakland General Plan contains policy direction calling for a more user-friendly and easier-to-interpret Planning Code. To comply with this directive, the Bureau of Planning undertakes a periodic update or "clean-up" of the Planning Code to improve consistency and simplify language in key chapters of the Planning Code. In addition, Planning Staff occasionally take note of certain Code Sections, as well as of certain Zoning and Height Area map designations, that are in need of reconsideration, so these provisions are also brought forward for a potential change during a periodic update.

The proposed changes to the Planning Code Text, Zoning Map, and Height Areas included in this current code update fall into two basic categories:

- Citywide Planning Code Amendments; and
- Geographically Specific Zoning Map and Height Area Amendments.

A. Citywide Planning Code Amendments

Proposed changes include the following Citywide Planning Code amendments:

1. Revise development standards in RD, RM and RU Zones;
2. Permit 'Group Assembly' and 'Personal Instruction Services' with a Conditional Use Permit (CUP) in the R-80 Zone, and reduce restrictions on Commercial Activities;
3. Allow Custom Manufacturing with CUP on the ground floor in CN Zones;
4. Increase minimum ground floor height in RU, CN and CC Zones;
5. Clarify that new Residential Facilities are prohibited in the CC-3 Zone, and restricted in the CR-1 Zone to serve only certain activities;
6. Revise CR Zone front setback;
7. Permit 'Group Assembly' and 'Personal Instruction Services' in C-45 Zone;
8. Revise density regulations in HBX Zones;
9. Modify density ranges for the 55-ft., 60-ft. and 75-ft. height map areas in all applicable zones;
10. Standardize the Commercial and Industrial fence standards in Chapter 17.73 and Section 17.108.140;
11. Add regulations for Large-Scale Developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones without a T overlay;
12. Make the Use Permit findings the same for the S-15 and D-CO-1 Transit-Oriented Development Zones;
13. Modify the Large-Scale Development regulations in the S-15 Zones to correct references and standardize language;
14. Revise the S-19 provisions to conform to long-standing mapping practice;
15. Add the Wood Street Property Development Standards to Chapter 17.101A and make minor revisions to standards;
16. Clarify in Chapter 17.114 that the strict discontinuance regulations in Section 17.114.050 do not apply to the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones with a T overlay;
17. Add maximum loading requirements to the parking regulations in Chapter 17.116;
18. Change Major CUP thresholds for the RM, R-80, C-40, C-45, S-1, and S-2 Zones;
19. Revise Chapter 17.136 to clarify regulations for the demolition or removal of structures in the CIX-1A Zone, and to standardize design review threshold for Track 3 Small Project;
20. Revise mini-lot regulations; and
21. Make minor Planning Code Text changes to improve clarity.

The content and purpose of these proposed changes is summarized in the following report. Please see **Attachment A** for the full text of the proposed citywide Planning Code amendments (proposed text additions are shown in underline and proposed deletions are shown as ~~strikethrough~~).

B. Geographically Specific Zoning Map and Height Area Amendments:

Proposed changes also include the following West Oakland-focused Zoning Map and Height Area amendments:

1. For the 3rd to 7th Street areas between West Oakland BART and Downtown –
 - Consolidate the CIX-1A and -1B industrially zoned areas along 3rd St. into larger districts;
 - Restore the previous M-30 zoning to a block at 2nd and Brush to address a nonconforming status erroneously created in 2014 for an existing live/work complex; and
 - Split the current CC-3 zoning along 7th into CC-2 for the parcels facing 7th Street and CC-3 for areas next to and under I-880 (see **Attachment B**).
2. For the west side of Mandela Parkway from 17th to 8th St., and for the 8th St. corridor from Mandela to Wood –
 - Change the current RM-2 zoning for the parcels facing Mandela Parkway, Memorial Park and 8th Street to RM-3 or RM-4; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor; and
 - Change the zoning within the Peralta/Lewis/5th Street triangle from RM-2 to RM-3; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor (see **Attachment C**).
3. For Adeline St. between 18th and 19th –
 - Bring a portion of the current RM-2 zoned area along Adeline Street between 18th and 19th into the RM-4 Zoning designation that currently is mapped for the parcels facing 18th Street (see **Attachment D**).
4. For the corner of San Pablo Avenue and 33rd Street –
 - Re-align the current RU-5 zoning boundary at San Pablo Avenue and 33rd Street to be along the rear property line of the existing corner parcel, resulting in a portion of the lot changing from current RM-2 to RU-5 with a 60-foot height limit (see **Attachment E**).
5. For the Wood Street Zone in West Oakland –
 - Replace the one existing D-WS Zone that is now mapped for the entire Wood Street project area in West Oakland with nine new zoning districts (D-WS-1, D-WS-2, D-WS-3, D-WS-4, D-WS-5, D-WS-6, D-WS-7, D-WS-8, and D-WS-9), with each new zone conforming to the boundary of a corresponding Wood St. Development Area. This will result in a new D-WS-1 Zone with the same boundary as the existing Wood Street Development Area 1, and so on through D-WS-9 (see **Attachment F**).

BACKGROUND

In September 2015, the Oakland City Council adopted the *Roadmap Toward Equity: Housing Solutions for Oakland, CA*, as a framework for addressing the city's housing affordability crisis. Developed by PolicyLink and the city's Housing and Community Development Department, the Roadmap provides specific policy objectives the City of Oakland can implement in order to address the housing crisis. In Section II of the *Roadmap*, the report recommends that the city "incentivize private production of or contribution to housing affordable to Oakland's Low- to Moderate-Income Families".

The lack of an adequate supply of housing that is affordable to Oakland's moderate-income residents contributes to their potential displacement from Oakland or places competitive pressure on the "naturally affordable" housing stock occupied by lower-income residents. Therefore, it is a priority of the Bureau of Planning to do what it can to encourage a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

The proposed amendments included in this year's Planning Code cleanup are intended to facilitate the construction of needed housing units, especially what is sometimes called "missing middle" housing - which is the broad spectrum of housing types between large-lot single-family homes and large-scale apartment buildings. Housing types in the missing middle range are often difficult to build today, given certain regulatory restrictions, as well as the cost of land, labor, and materials. While the Bureau of Planning can do little about land, labor or material costs, it can evaluate existing regulations and development standards, and propose to modify regulatory barriers to the production of housing types that may be more affordable to Oakland's low- to moderate-income families.

For example, the proposed changes described in this report to minimum lot size, setback, and density standards have been carefully crafted and analyzed to help make more small infill projects in the city "pencil out". Another recommended change, which is to reduce the minimum lot size in the RD, RM, and RU Zones, has the potential to distribute the opportunity for home ownership more broadly in the city, by allowing more people to buy small lots and small units.

Some of the proposed Planning Code amendments described in this report were previously considered by the Zoning Update Committee on October 14, 2015, and the Planning Commission on October 21, 2015.

However, due to the very large set of proposed amendments before the Planning Commission at that October 21, 2015 hearing and concerns expressed about some of the proposals, the Planning Commission only recommended that the non-substantive and minor substantive changes described in the 10/21/15 staff report and amendments to Transitional and Supportive Housing regulations be forwarded to the City Council for consideration.

Since that time, staff has re-evaluated each of the previously proposed, but not approved, code amendments, and only brought forward as part of this year's much smaller and more focused code clean-up package, those amendments that were not controversial at last year's hearing. In addition, other new Planning Code Text, Zoning Map, and Height Area amendment proposals are included in this report.

The content and purpose of each of the proposed Planning Code Text, Map, and Height Area amendments is summarized below in the following report section. Please see **Attachment A** for the full text of the proposed citywide Planning Code amendments (proposed text additions are shown in underline and proposed deletions are shown as ~~strikethrough~~).

PUBLIC OUTREACH

In keeping with staff's intent of bringing forward a smaller, more focused code clean-up package this year, all of the proposed Zoning Map and Height Area amendments included in this report are located in one geographic area - West Oakland. Staff hosted two community meetings in West Oakland to discuss the proposed Zoning Map and Height Area amendments.

On October 6th, 2016, Planning staff held a community meeting in West Oakland on the proposed Zoning Map and Height Area amendments included in this report. The feedback received was very positive and supportive of all of the proposed Map and Height Area changes. Many community members said that they could especially see the value of adding the C Commercial overlay to the parcels fronting Mandela Parkway, so that ground floor commercial uses could be added over time to activate the street and bring more neighborhood-serving retail to the corridor. The staff proposal at that time for the C Commercial overlay area included only the parcels facing Mandela Parkway, Memorial Park, and a portion of Center Street between 15th Street to the north and 11th Street to the south.

But a number of community members at the meeting recommended that this proposed map change actually *increase* in geographic area from what staff had originally proposed, and extend down to and include the portion of 8th Street near the West Oakland BART station. This section of 8th Street between Mandela Parkway and Wood Street has many old storefronts along its length, most of which are now vacant or converted to non-commercial uses. Staff agreed to study this community proposal and present any changes to the Map amendments at a second community meeting.

On October 20th, 2016, Planning staff held a second community meeting in West Oakland on the proposed Zoning Map and Height Area amendments included in this report. Staff explained that they had reviewed and analyzed the larger Mandela and 8th Street corridors, as requested by community members at the October 6th meeting, and agreed that the map change proposal should extend along more of Mandela Parkway, and include the majority of the 8th Street corridor between Mandela Parkway and Wood Street. The revised map areas were distributed to the attendees and discussed at the meeting, with the feedback received again very positive about the changes.

ANALYSIS

The following section summarizes the proposed substantive changes to the Planning Code Text, Zoning Map, and Height Areas:

I. CITYWIDE PLANNING CODE AMENDMENTS

1. Amend the regulations for the RD Detached Unit Residential Zones (Chapter 17.15), RM Mixed Housing Type Residential Zones (Chapter 17.17), and RU Urban Residential Zones (Chapter 17.19).

a. Proposed changes to the RD Detached Unit Residential Zones (Chapter 17.15):

The current minimum lot dimensions for the RD Zones in Table 17.15.03 (5,000 sf. in lot area and 45 ft. in lot width mean), are larger than the threshold for Reduced Setbacks for Smaller Lots in Table 17.15.04 (4,000 sf. in area and 40 ft. in width). This inconsistency can create a hardship for any lot that is less than the current required minimum size, but not small enough to utilize the reduced setbacks. For consistency purposes, the proposed change would revise the minimum lot dimensions for the RD Zones to be the same as the threshold for Reduced Setbacks for Smaller Lots in Table 17.15.04 (see below and **Attachment A**):

Table 17.15.03: Property Development Standards

Development Standards	Zones	
	RD-1	RD-2
Minimum Lot Dimensions		
Lot Width mean	40-45-ft.	40-45-ft.
Frontage	25 ft.	25 ft.
Lot area	4,000-5,000-sf.	4,000-5,000-sf.

b. Proposed changes to the RM Mixed Housing Type Residential Zones (Chapter 17.17):

The current maximum density requirements for the RM Zones in Table 17.17.03 include a number of inconsistencies, as well as regulatory hurdles. For instance, the RM-2 Zone allows

2 units on lots 4,000 square feet or greater, but states that the maximum conditionally permitted density is 1 unit per 2,500 sq. ft. of lot area. For consistency purposes, the proposed amendments revise the maximum conditionally permitted density for the RM-2 Zone to be at the same ratio as the permitted density, or 1 unit per 2,000 sq. ft. of lot area. Also, the density ranges from the RM-3 and RM-4 Zones are proposed to step up in regular 500 sf. increments, such that the RM-3 permitted density would remain the same (1 unit per 1,500 sq. ft. of lot area); but RM-4 permitted density would change from the current 1 unit per 1,100 sq. ft. of lot area to: 1 unit per 1,000 sq. ft. of lot area (to establish a density range more easily divisible by a typical lot size in the city, such as 4,000 sf.).

Also, as part of the code amendments adopted in concert with the West Oakland Specific Plan, special provisions were created for the RM-2 in the West Oakland District only to allow for: (1) a reduced lot size; (2) a reduced lot width mean; and (3) a reduced interior side and street setback. Staff is now proposing to replace these West Oakland-specific amendments with the following revisions to minimum lot size, lot width mean, and setbacks that would apply uniformly across all RM-zoned areas in the city:

- For the RM-1 Zone, the minimum lot size would reduce from 5,000 sf. to 4,000 sf.; the lot width mean would reduce from 45 feet to 40 feet; and the interior side and street setbacks would reduce from 5 feet to 4 feet.
- For the RM-2 Zone, the minimum lot size would change from the current range of allowed sizes (2,500/4,000/5,000 sf.) to a simple 3,000 sf. min. lot size standard. As an example, this proposed 3,000 sf. standard would equate to a lot that is 30 ft. x 100 ft. Many of the existing lots in the RM-2 zoned areas of West Oakland are already 30 feet or less in width and often smaller than 3,000 sf., but current standards do not allow new lots to replicate this historic pattern without resorting to what is called a “mini-lot” subdivision. Consistent with this proposed change to minimum lot size, the minimum lot width mean would change from the current range of allowed widths (25/45 ft.) to a new standard of 30 ft. Also, the interior side and street setbacks would change from the current range of min. setbacks (3/4/5 ft.) to a new 4 ft. standard for the minimum interior and street side setback.
- For the RM-3 and RM-4 Zones, the minimum lot size would reduce from 4,000 sf. to 3,000 sf., but the lot width mean and interior/street side setbacks would remain the same.
- For the RM-1 and RM-2 Zones with the C Commercial overlay, a 5-foot minimum front setback would be added for commercial facilities (there is no front setback required for commercial facilities in any RM zone today); and would provide an exception to the front setback requirement where there is an existing context in the area of no front yard setback, or when located in an existing facility that was built prior to the effective date of this Chapter (see below and applicable footnote in **Attachment A**):

Table 17.17.03: Property Development Standards

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
Minimum Setbacks for Lots Equal to or Greater than Four Thousand (4,000) Square Feet in Area or 40 Feet in Width				

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
Minimum front for Facilities in the C Combining Zone	5 ft.	5 ft.	0 ft.	0 ft.
Minimum interior side	4 ft. 5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.
Minimum street side	4 ft. 5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.

Other proposed amendments to the RM Zone standards include -

- *Modify the RM open space requirements so they step in more regular increments (see below):*

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
Minimum Open Space				
Group open space per regular unit	300 sf.	250 sf. 300 sf.	200 sf.	175 sf.
Group open space per regular unit when private open space substituted	100 sf.	90 sf. 100 sf.	80 sf. 85 sf.	70 sf.

- *Change the maximum lot coverage standard for 3 or more units in the RM-2 Zone from the current 40% to a proposed 45% to reflect the added buildable area that would be allowed due to the proposed reduction in interior and street side setbacks (see below):*

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
Max. Lot Coverage for 3 or More Units	N/A	45% 40%	50%	N/A

- *Clarify that for the RM-2 Zone, the existing conditionally permitted heights are 30 feet for the exterior walls of the primary building and 35 feet for a pitched roof.*
- *Change the allowed maximum pitched roof height for the primary building in the RM-3 Zone to 35 feet (the same as the conditionally permitted roof height in RM-2). Also, in order to accommodate ground floor heights in new construction suitable for commercial use, change the allowed max. wall height for the primary building in the RM-3 Zone to 35 feet for projects with ground-floor Commercial Facilities only. All other projects in the RM-3 Zone would be subject to a maximum wall height of 30 feet (see below):*

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
Height Regulations for All Lots with a Footprint Slope of <20%				

Development Standards	Zones			
	RM-1	RM-2	RM-3	RM-4
Maximum wall height primary building	25 ft.	25/30 ft.	30/35 ft.	35 ft.
Maximum pitched roof height primary building	30 ft.	30/35 ft.	35/30-ft.	35 ft.
<u>Min. height of ground floor Commercial Facilities (new construction only)</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>

- Consolidate the reduced setbacks for the smaller lots in RM to one uniform standard (see below):

Table 17.17.04 Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet in Area or Forty (40) Feet in Width)

Regulation	Lot Size		Additional Regulations
	<u>≤ 4,000 sf. in Area or ≤ 40 feet in Width wide</u>	<u>≤ 3,000 sf. or ≤ 35 feet wide</u>	
Minimum Setbacks			
Minimum interior side	<u>3 ft. 4 ft.</u>	3 ft.	1
Minimum street side	<u>3 ft. 4 ft.</u>	3 ft.	1
Rear	15 ft.	45 ft.	1

c. Proposed changes to the RU Urban Residential Zones (Chapter 17.19):

- The density ranges for the RU-1 through RU-3 Zones would be standardized into generally regular increments, such that the RU-1 permitted density would change from 1 unit per 1,100 sq. ft. of lot area to: 1 unit per 1,000 sq. ft. of lot area (the same as what is proposed for RM-4); RU-2 permitted density would change from the current 1 unit per 800 sq. ft. of lot area to: 1 unit per 750 sq. ft. of lot area; and RU-3 permitted density would remain the same (1 unit per 450 sq. ft. of lot area).
- Similar to the situation in the RD Zones mentioned earlier, the current minimum lot sizes for the RU Zones in Table 17.19.03 are larger than the threshold for Reduced Setbacks for Smaller Lots (3,000 sf. in area). For consistency purposes, the proposed amendments revise the minimum lot size for the RU Zones to be the same as the threshold for Reduced Setbacks for Smaller Lots.

Other proposed amendments to the RU Zone standards include –

- *In the RU-3 Zone, the standard min. interior setback would increase from 0 ft. to 3 ft., and the standard street side setback would reduce from 4 ft. to 3 ft. As a result, the reduced street side setback for smaller lots in the RU-3 is not needed and can be eliminated, because it would be the same as the standard street side setback (see below).*
- *In the RU-4 and RU-5 Zones, the Residential Facility rear setback would change from the current range (10/15 ft.) to a uniform 10 ft.; and the Nonresidential Facility rear setback would be consolidated to be either 0 or 10 ft. (eliminating the 15 ft. minimum):*

Table 17.19.03: Property Development Standards

Development Standards	Zones				
	RU-1	RU-2	RU-3	RU-4	RU-5
Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet in Area or 25 Feet in Width					
Minimum interior side	4 ft.	4 ft.	3 ft. 0 ft.	0 ft.	0 ft.
Minimum street side	4 ft.	4 ft.	3 ft. 4 ft.	0 ft.	0 ft.
Rear (Residential Facilities)	15 ft.	15 ft.	15 ft.	10 ft. 10/15 ft.	10 ft. 10/15 ft.
Rear (Nonresidential Facilities)	15 ft.	15 ft.	15 ft.	0/10 ft. 0/10/15 ft.	0/10 ft. 0/10/15 ft.
Reduced Setbacks for Smaller Lots (Less than 3,000 Square Feet in Area or 25 Feet in Width) < 3,000 sf. or < 35 ft. wide					
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A
Minimum street side	3 ft.	3 ft.	N/A 3 ft.	N/A	N/A

- In the RU-1 and RU-2 Zones, the maximum height of primary buildings would decrease from 40 ft. to 35 ft. in the RU-1 Zone, and from 50 ft. to 45 ft. in the RU-2 Zone. This change would make the heights allowed in the RU-1 and RU-2 Zones consistent with the existing low range of heights allowed in the RU-4 and RU-5 Zones along the major corridors (see table below):*

Regulations (for RU-4 and RU-5 Zones)	Height Areas					
	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.

- In the RU Zones, the minimum height for new ground-floor Nonresidential Facilities would increase from 12 feet to 15 feet to be consistent with minimum ground floor commercial heights citywide (see below):*

Table 17.19.03: Property Development Standards

Development Standards	Zones				
	RU-1	RU-2	RU-3	RU-4	RU-5
Height Regulations					
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	15 ft. 12 ft.	15 ft. 12 ft.
Maximum height primary building	35 ft. 40 ft.	45 ft. 50 ft.	60 ft.	See Table 17.19.04	See Table 17.19.04

2. Amend the R-80 High-Rise Apartment Residential Zone Regulations (Chapter 17.30).

In the R-80 Zone, there are currently outdated restrictions placed upon Commercial Activities - such that customer access is only allowed through the *lobby of the facility*, and *no Business Signs or display windows* may be provided for such activities. Also, the maximum floor area devoted to commercial activities is currently limited to only 1,500 square feet.

The proposed R-80 amendments would:

- Remove the current restriction on access location, business signs, and display windows;
- Increase the maximum floor area for commercial activities from 1,500 sf. to 7,500 sf. (similar to the CUP threshold for many commercial uses in the downtown CBD Zones);
- Permit 'Group Assembly' and 'Personal Instruction and Improvement Services' with a CUP (both are currently prohibited); and
- Eliminate the special Use Permit findings for commercial activities in the R-80 Zone, and refer instead to the standard citywide CUP findings in Chapter 17.134.

3. Allow Custom Manufacturing on the ground floor in the CN Neighborhood Center Commercial Zones with a Conditional Use Permit (CUP) (Chapter 17.33).

Custom Manufacturing is currently conditionally permitted in all CN Zones, but in the CN-1 through CN-3 Zones, a limitation currently prohibits this activity on the ground floor. This amendment would retain the CUP requirement for Custom Manufacturing, but remove the ground floor prohibition.

Custom Manufacturing Industrial Activities include the small-scale production of artisan and/or custom products. This activity typically includes the production of finished parts or products by hand, involving the use of hand tools and small-scale equipment within enclosed buildings. Custom Manufacturing Industrial Activities are not allowed to produce noise, vibration, air pollution, fire hazard, or noxious emission that would disturb or endanger neighboring properties.

4. Increase the minimum height of ground floor Nonresidential Facilities in the CN Neighborhood Center Commercial Zones and CC Community Commercial Zones (Chapters 17.33 and 17.35).

The minimum height for new ground-floor Nonresidential Facilities would increase from 12 feet to 15 feet in the CN and CC Zones (similar to the change mentioned earlier for the RU Zones), to be consistent with minimum ground floor commercial heights citywide.

5. Clarify that new Residential Facilities are prohibited in the CC-3 Community Commercial Zone, and restricted in the CR-1 Regional Commercial Zone to serve only certain activities (Chapters 17.35 and 17.37).

In the CC-3 Zone, Residential Activities are permitted in existing Residential Facilities only. The amendment to the CC-3 Zone would simply clarify that no new Residential Facilities are allowed.

In the CR-1 Zone, the amendment would clarify that no new Residential Facilities are permitted, *except* for those serving a conditionally permitted Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.01.

6. Minimum Front Setback in the CR Regional Commercial Zone Regulations (Chapter 17.37).

As part of the Coliseum Area Specific Plan, the west side of Hegenberger Road was re-zoned to the new D-CO Coliseum Area District Zones. The CR-1 Zoning that formerly applied to both sides of Hegenberger now only applies to the east side of Hegenberger Rd. and to the Oakland portion of the East Bay Bridge Shopping Center at the border with Emeryville. This amendment changes the minimum front setback requirement from the current “20 feet on parcels facing a right of way of 100 feet or more; 10 feet on parcels facing a right of way that is less than 100 feet wide” to “0/10 feet” to allow pedestrian-serving uses in the CR Zone to be built up to the front property line.

7. Amendments to the C-45 Community Shopping Commercial Zone Regulations (Chapter 17.56).

In order to make the allowed uses along the portion of Broadway in the Jack London District (from I-880 to the Embarcadero) more consistent with the allowed uses along the portion of Broadway through Downtown, the proposed amendments would make ‘Group Assembly’ and ‘Personal Instruction and Improvement Services’ permitted activities (both are currently only allowed with a CUP).

8. Amendments to the HBX Housing and Business Mix Commercial Zones Regulations (Chapter 17.65).

The HBX density ranges would be revised to step up in regular 100 sf. increments, such that the HBX-2 dwelling unit permitted density would change from the current 1 unit per 930 sq. ft. of lot area to: 1 unit per 900 sq. ft. of lot area; while the HBX-3 dwelling unit permitted density would change from the current 1 unit per 730 sq. ft. of lot area to: 1 unit per 700 sq. ft. of lot area.

Rooming Unit densities are intended to be proportional to the regular unit density in each zone, so they would also be revised accordingly (as shown below).

17.65.070 Maximum density.

Living Unit Type	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Dwelling Unit	1,000 sf. of lot area per unit	<u>900 sf. 930-sf.</u> of lot area per unit	<u>700 sf. 730-sf.</u> of lot area per unit	800 sf. of lot area per unit
Rooming Unit	500 sf. of lot area per unit	<u>450 sf. 465-sf.</u> of lot area per unit	<u>350 sf. 365-sf.</u> of lot area per unit	400 sf. of lot area per unit

9. Amendments to the height map density ranges (throughout the Planning Code).

The height map density ranges applicable to all zones subject to a height map (including but not limited to the RU-4, RU-5, CN, CC, and S-15 Zones) would be revised to step in regular 100 sf. increments, such that the existing allowed densities for the 35-foot and 45-foot height map areas would remain the same at 550 sf. per unit and 450 sf. per unit respectively; but the 60-foot height map area would change from 375 sf. per unit to 350 sf. per unit, and the 75-foot height map area would change from 275 sf. per unit to 250 sf. per unit.

This small, but important change to the density ranges that currently apply along the majority of the city's corridors would facilitate the construction of more needed housing units by establishing density numbers that are more easily divisible by the city's typical lot sizes. For example, under current regulations, a lot that is 10,000 sf. in the 75-foot height area could be permitted a maximum of 36 units (calculated by dividing the 10,000 sf. lot area by the 275 sf. allowed density); while an allowed density of 250 sf. in the 75-foot height area could allow for a maximum of 40 units on the same lot.

10. Amend the Commercial and Industrial Fence Standards to be the same in Chapter 17.73 (CIX, IG AND IO Industrial Zones Regulations) and Section 17.108.140 (Fences, dense hedges, barrier, and similar freestanding walls).

The existing fence height standards specified for Commercial and Industrial Zones are internally inconsistent in the Planning Code. The proposed revisions will clarify that the standards in Section 17.108.140 will apply to all Industrial Zones, including the CIX, IG, and IO Zones. In Section 17.108.140, the maximum height of a fence located in any Industrial Zone within 10 feet of an abutting Residential or Open Space Zone would be 8 feet by right, with a fence higher than 8 feet but no more than 12 feet permitted with Small project design review.

In addition, Section 17.108.140 would be amended to add restrictions on electrified fencing in all Residential and Commercial Zones.

11. Add threshold for "Large-Scale Development" to the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones (Chapter 17.73).

There is currently no threshold for what is considered a "Large-Scale Development" in the West Oakland Specific Plan's CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones. The purpose of such a threshold would be to more clearly establish the size of project that would be forwarded to the Planning Commission for initial decision. The proposed change would utilize the generally applied standard for what is "Large-Scale Development" throughout Planning Code, which is:

- Projects involving more than 100,000 square feet of new floor area.

12. Make the special Use Permit findings in the S-15 Transit-Oriented Development Commercial Zones and the D-CO Coliseum Area District Zones the same (Chapters 17.97 and 17.101H).

When the City Council adopted the Coliseum Area Specific Plan in March 2015, the previous zoning in the Coliseum Area was replaced with the new D-CO Zones. In the area surrounding the Coliseum BART station, the D-CO-1 Zone replaced the previously applied S-15 Zone in that area. The purpose of the D-CO-1 and S-15 Zones are the same, which is to regulate and encourage transit-oriented development near major transit facilities such as BART stops. Many uses in both the D-CO-1 and S-15 Zones require the city to make special use permit findings as part of any approval. The special findings in these two zones were intended to be the same but currently are not. The proposed amendments rectify this issue and make the special findings the same in Section 17.97.025 for the S-15 Zones and in Section 17.101H.070 for the D-CO-1 Zone.

13. Modify the “Large-Scale Development” regulation in the S-15 Transit-Oriented Development Commercial Zones to correct references and standardize language (Section 17.97.030).

The “Large-Scale Development” threshold regulation in the S-15 Zones currently includes an incorrect reference to a code section that was deleted and moved as part of the recent Parking regulation update. The proposed amendment corrects this Planning Code section reference, and adds the new standard language for Planned Unit Developments.

14. Revise the S-19 Health and Safety Protection Combining Zone provisions to conform to long-standing mapping practices (Chapter 17.100A).

It has been the long-standing practice of the Bureau of Planning to map the S-19 Health and Safety Protection Combining Zone onto the portions of the CIX-1 (Commercial Industrial Mix-1), CIX-2 (Commercial Industrial Mix-2), IG (General Industrial), and IO (Industrial Office) Zones that are within three hundred (300) feet from any Residential, Open Space, or Institutional Zone boundary. The proposed amendment below brings the Planning Code text in Chapter 17.100A fully in sync with this existing mapping practice:

17.100A.030 Zones with which the S-19 Zone may be combined.

A. The standards of the S-19 Combining Zone shall apply to the following zoning districts:

3. ~~CIX-1 (Commercial Industrial Mix-1) Zone;~~

34. CIX-1A, CIX-1B, CIX-1C, and CIX-1D (West Oakland Plan Area Commercial Industrial Mix-1A, -1B, -1C, and -1D) Zones that are within 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);

45. ~~CIX-1 (Commercial Industrial Mix-1), CIX-2 (Commercial Industrial Mix-2), IG (General Industrial), and IO (Industrial Office) Zones zoning districts~~ that are within three hundred (300) feet from any Residential, Open Space, or Institutional Zone boundary.

15. Amendments to the D-WS Wood Street District Zone Regulations (Chapter 17.101A).

In 2006, City Council adopted the original Wood Street Zoning District as a separate regulatory document from the rest of the Zoning Code. Over the years, this administrative approach has become increasingly confusing to the public and staff, since copies of the separate Wood Street Zoning District document are not always readily available. In 2014, Planning staff received Council approval to transfer the Permitted Activities section of the Wood Street Zoning Regulations from this separate 2006 Zoning document into the citywide Planning Code. The proposed amendments would continue this transfer effort by moving the Development Standards Summary Table for Wood Street into the D-WS Zoning Chapter.

Also, many of the current development standard numbers associated with the Wood Street Zone are unusually precise compared to other similar regulations in the rest of the Planning Code. For instance, the current maximum permitted density in the Development Area 2 portion of the Wood Street Zone is *848.85 sf. per unit* and the maximum Nonresidential Floor Area Ratio is *2.02:1*. The proposed amendments would round these and other similarly precise development regulation numbers up or down to the nearest whole number – in this case, the proposal would be to change the Development Area 2 standards to a maximum permitted density of 849 sf. per unit and a

maximum Nonresidential Floor Area Ratio is 2.00:1. (See also Subsection II of this section of the report for a discussion of the proposed Wood Street Zoning Map amendments).

16. Amend Section 17.114.050 to clarify that the regulations were not intended to apply to the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones with a T overlay (Chapter 17.114).

As part of the code amendments adopted in 2014 along with the West Oakland Specific Plan, Subsection D. of Section 17.114.050 (Nonconforming Activity—Discontinuance) was added to the Planning Code to specify a strict standard on the resumption of a nonconforming Trucking and Truck-Related Industrial Activity or Recycling and Waste-Related Industrial Activity in the new CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones (CUP required if the nonconforming activity discontinues active operation for more than 90 days). The proposed amendment would correct an oversight and add a provision to exclude the application of this strict discontinuance standard to the new CIX Zones that include the T Overlay, which is only applied to sites south of Highway 880 in the 3rd Street corridor - an area that the West Oakland Specific Plan specifically highlights as appropriate for Trucking and Truck-Related Industrial Activities.

17. Add maximum loading standards to the new Off-Street Parking and Loading Requirements in Chapter 17.116, and remove conflicting parking regulations from individual zone chapters.

In October 2016, the Council adopted the first comprehensive update of the city’s parking regulations since 1965. While the primary focus of this project was updating the off-street parking requirements, staff also included an update to the City’s commercial and residential loading requirements. Like parking, these new loading requirements were based on nationwide best practices.

However, due to an oversight, many of the new commercial loading requirements do not include any *maximum* number of required spaces; as a result, a couple of projects have recently had to request variances due to the very large and infeasible number of loading spaces that would have been required by the new parking standards. This proposal would retain the same loading space ratios adopted by Council, but add a cap to the number of spaces required (see example below):

17.116.130 Off-street loading—Civic Activities.

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.	Two (2) berths.*
300,000 square feet or more. Each additional 150,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*

Also, as another oversight, a few former parking regulations that have now been superseded by the updated parking requirements remain in individual zoning chapters, such as in Chapter 17.13, RH Hillside Residential Zones Regulations, Chapter 17.15, RD Detached Unit Residential Zones

Regulations, and Chapter 17.101A, D-WS Wood Street District Zones Regulations. The proposed amendments eliminate these conflicting and out-of-date parking requirements, and instead refer to the new adopted parking requirements in Chapter 17.116.

18. Amendments to the Conditional Use Permit Procedure (Chapter 17.134).

As stated earlier in the Background section of this report, one of the primary purposes of this code cleanup is to facilitate the construction of needed housing units, and to modify regulatory barriers to the production of housing types that are may be more affordable to Oakland's low- to moderate-income families. One of those barriers is the disproportionately rigorous Planning review process certain smaller projects are required to undergo under current regulations. The Land Use and Transportation Element of the Oakland General Plan includes the following policy in support of this intent to modify regulatory barriers:

Policy N11.2 Streamlining Permit Procedures.

The City of Oakland should review, streamline, modernize, and simplify its permit review procedures to facilitate new construction.

The following amendments to the definition of Major Conditional Use Permits (Section 17.134.020) would simplify the permit review procedure for many types of "middle housing" by correcting references to only those zones with conditionally permitted densities, and slightly raising the threshold for the size of project in those zones that would be forwarded to the Planning Commission for initial decision:

17.134.020 Definition of Mmajor and Mminor Conditional Use Permits.

- A. **Major Conditional Use Permit.** A Conditional Use Permit (CUP) is considered a Mmajor 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:
 - c. Residential projects requiring a Conditional Use Permit for density resulting in a total number of living units as follows:
 - i. Five (5) Three (3) or more dwelling units in the RM-2 Zone;
 - ii. Seven (7) or more dwelling units in the RM-3 Zone; or
 - iii. Nine (9) or more dwelling units in the RM-4 Zone.
 - d. Residential projects requiring a Conditional Use Permit to exceed the basic or permitted density resulting in nine (9) seven (7) or more dwelling units in the RU or CBD- R R-80, C-40, C-45, S-1, or S-2 Zones.

Also, the proposal would amend Section 17.134.080 (Adherence to approved plans) to specify that a CUP will terminate 2 years from the effective date of its granting unless a different termination date is prescribed (instead of the 1 year currently listed in the code). The proposed 2-year expiration period is consistent with current Planning practice.

- 19. Revise Chapter 17.136 (Design Review Procedure) to clarify regulations for the demolition or removal of structures in the CIX-1A Zone, and to standardize thresholds for Track 3 Small Project Design Review.**

In 2014, as part of code changes made in concert with the adoption of the West Oakland Specific Plan, regulations for the demolition or removal of *non-historic* structures in the CIX-1A Zone were added to the existing regulations for demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties in Section 17.136.075. This approach has led to some confusion, so the proposed amendment (see below) would transfer the regulations for the demolition or removal of *non-historic* structures in the CIX-1A Zone to its own new section (Section 17.136.072).

17.136.072 Special regulations for demolition or removal of CIX-1A zoned properties.

A. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone that is not a Designated Historic Property or Potentially Designated Historic Property may only be granted if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:

1. The applicant demonstrates that:

- i. The existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return;
or
- ii. The applicant demonstrates that the structure is economically infeasible to rehabilitate on its present site.

Also, the proposal would amend Section 17.136.030(C)(3) to standardize the threshold for Track 3 Small Project Design Review to: *Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet, in Floor Area or Footprint to a One or Two Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the HBX Zones, not including allowed projections above the height limits listed in Section 17.108.030.*

20. Amendments to the Mini-Lot and Planned Unit Development Regulations (Chapter 17.142).

In 2014, as part of code changes made in concert with the adoption of the West Oakland Specific Plan, the Mini-Lot Development regulations were modified in Section 17.142.012 for the RM-2 Zone in the West Oakland District only to allow the minimum setback requirements for a mini-lot development to be the same as those for a single lot less than 4,000 square feet in size.

The proposed amendment would expand the allowance for reduced minimum setback requirements in a mini-lot development from just the RM-2 Zone in West Oakland to the entire city, and thereby ease the regulatory hurdles for small-scale infill subdivisions as a means of increasing the home ownership opportunities in Oakland.

II. GEOGRAPHICALLY SPECIFIC ZONING MAP AND HEIGHT AREA AMENDMENTS

Proposed changes also include the following West Oakland-focused Zoning Map and Height Area amendments:

1. Revise the zoning map and height area designations for the 3rd and 7th St. areas between the West Oakland BART station and Downtown.

Proposal.

- Consolidate the CIX-1A and -1B industrially zoned areas along 3rd St. into larger districts;
- Restore the previous M-30 zoning to a block at 2nd and Brush to address a nonconforming status erroneously created in 2014 for an existing live/work complex; and
- Split the current CC-3 zoning along 7th into CC-2 for the parcels facing 7th Street and CC-3 for areas next to and under I-880 (see **Attachment B**).

Rationale.

The proposed map change at 2nd and Brush would address a nonconforming status erroneously created for an existing live/work complex when new zoning changes were adopted in 2014 as part of the West Oakland Specific Plan. Other proposed changes to the zoning map in the West Oakland BART station area would allow new residential uses along the south side of 7th Street between the BART station and Downtown (as residential is already permitted on the north side of this same section of 7th Street); and facilitate the relocation of trucking-related activities to the 3rd Street area and away from the residential neighborhoods of West Oakland. Also, the existing 90-foot height area between 5th and 7th Street would be modified and reduced in its extent to accommodate small boundary changes to the zones adjacent to this portion of the I-880 corridor.

2. Revise the zoning map designations for the west side of Mandela Pkwy from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle –

Proposal.

- Change the current RM-2 zoning for the parcels facing Mandela Parkway, Memorial Park and 8th Street to RM-3 or RM-4; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor; and
- Change the zoning within the Peralta/Lewis/5th Street triangle from RM-2 to RM-3; and add the C overlay to allow retail and other neighborhood-serving commercial uses on the ground floor (see **Attachment C**).

Rationale.

As stated earlier in this report, Planning staff held a community meeting on October 6th, 2016 in West Oakland to discuss this and the other proposed Zoning Map and Height Area amendments. Planning staff received very positive feedback to the proposed revisions to the zoning map designations for the west side of Mandela Pkwy from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle. Many community members stated that they could especially see the value of adding the C Commercial overlay to the parcels fronting Mandela Parkway, so that ground floor commercial uses could be added over time to activate the street and bring more neighborhood-serving retail to the corridor.

The staff proposal at that time for the C Commercial overlay area included only the parcels facing Mandela Parkway, Memorial Park, and a portion of Center Street between 15th Street to the north and 11th Street to the south. But a number of community members at the meeting recommended that this proposed map change actually increase in geographic area from what staff had originally proposed, and extend down to and include not only the portion of 8th Street near

the West Oakland BART station but also the Peralta/Lewis/5th Street triangle. The sections of 8th Street between Mandela Parkway and Wood Street, and 5th Street between Peralta and Lewis Street have many old storefronts along their length, but which are now mostly vacant or converted to non-commercial uses. Staff agreed to study this community proposal and present any changes to the Map amendments at a second community meeting.

On October 20th, 2016, Planning staff held a second community meeting in West Oakland on the proposed Zoning Map and Height Area amendments included in this report. Staff explained that they had reviewed and analyzed the larger Mandela, 8th, and 5th Street corridors, as requested by community members at the October 6th meeting, and agreed that the map change proposal should extend along more of Mandela Parkway, and include the majority of the 8th Street corridor between Mandela Parkway and Wood Street, and the portion of 5th Street between Peralta and Lewis. The revised map areas were distributed to the attendees and discussed at the meeting, with the feedback received again very positive about the changes.

3. Revise the zoning map designation for a portion of Adeline St. between 18th and 19th – Proposal.

- Bring a portion of the current RM-2 zoned area along Adeline Street between 18th and 19th into the RM-4 Zoning designation that currently is mapped for the parcels facing 18th Street (see **Attachment D**).

Rationale.

The proposed map change for the portion of Adeline St. between 18th and 19th Street would move approximately 8 parcels that are currently zoned RM-2 into the adjacent RM-4 Zone centered along 18th Street. The parcels in question do not fit the typical profile of RM-2 zoned properties, which are typically 1- 2-unit residences. Instead, this section of Adeline St. between 18th and 19th Street is made up of a large church and parking lot, a commercial warehouse and vacant lot behind the West Oakland branch of the Public Library, an assortment of small apartment buildings, and a small vacant house on a large lot. Due to the proximity of this area to transit, public services, and a higher zoned corridor, staff recommends rezoning to RM-4.

4. Revise the zoning map and height area designations for the corner of San Pablo Avenue and 33rd Street –

Proposal.

- Re-align the current RU-5 zoning boundary at San Pablo Avenue and 33rd Street to be along the rear property line of the existing corner parcel, resulting in a portion of the lot changing from current RM-2 to RU-5 with a 60-foot height limit (see **Attachment E**).

Rationale.

It is current practice in zoning proposals to establish the boundary along existing property lines wherever possible, to avoid splitting property into multiple zones and thus complicating any future development. In this case, the property at San Pablo Avenue and 33rd Street appears to have been inadvertently split through the rear third of the parcel. The proposed map change would move the current RU-5 zoning boundary to be along the rear property line of the existing corner parcel at San Pablo Avenue and 33rd Street, resulting in a portion of the lot changing from

RM-2 to the same RU-5 Zone with a 60-foot height limit that currently applies to the rest of the parcel.

5. Revise the zoning map designations for the Wood Street Zoned area in West Oakland – Proposal.

- Replace the one existing D-WS Zone that is now mapped for the entire Wood Street project area in West Oakland with nine new zoning districts (D-WS-1, D-WS-2, D-WS-3, D-WS-4, D-WS-5, D-WS-6, D-WS-7, D-WS-8, and D-WS-9), with each new zone conforming to the boundary of a corresponding Wood St. Development Area. This will result in a new D-WS-1 Zone with the same boundary as the existing Wood Street Development Area 1, and so on through D-WS-9 (see **Attachment F**).

Rationale.

In 2006, City Council adopted the original Wood Street Zoning District as a separate regulatory document from the rest of the Zoning Code. Over the years, this administrative approach has become increasingly confusing to the public and staff, since copies of the separate Wood Street Zoning District document and Development Area Map are not always readily available. The proposed amendments would simplify the administration of the D-WS Zoning Chapter by converting the existing nine Wood St. Development Areas displayed on a separate map from the citywide zoning map into nine new zoning districts (D-WS-1, D-WS-2, D-WS-3, D-WS-4, D-WS-5, D-WS-6, D-WS-7, D-WS-8, and D-WS-9), with each new zone conforming to the boundary of the corresponding Wood St. Development Area. This will result in a new D-WS-1 Zone with the same boundary as the existing Wood Street Development Area 1, and so on through D-WS-9.

ENVIRONMENTAL DETERMINATION

The proposed amendments to the Planning Code Text, Zoning Map and Zoning Height Areas rely on the previously certified set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

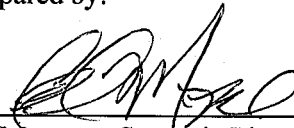
The proposed amendments to the Planning Code Text, Zoning Map and Zoning Height Areas would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the

circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

RECOMMENDATIONS

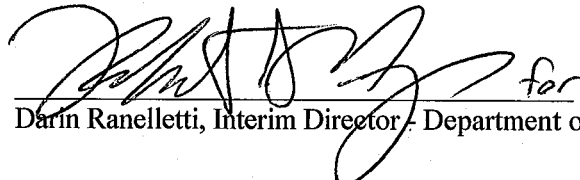
1. Affirm staff's environmental determination;
2. Recommend that the City Council approve the proposed Planning Code Text, Map, and Height Area amendments; and
3. Find that existing regulations being amended or deleted are inadequate and otherwise contrary to the public interest.

Prepared by:



Ed Manasse, Strategic Planning Manager

Approved for forwarding to the
City Planning Commission by:



Darin Ranelletti, Interim Director - Department of Planning and Building

ATTACHMENTS:

- A. Proposed Planning Code Text Amendments
- B. Proposed Zoning Map and Height Area Amendment to the 3rd Street to 7th Street areas between the West Oakland BART station and Downtown
- C. Proposed Zoning Map Amendment to the west side of Mandela Pkwy from 17th to 8th St., for the 8th St. corridor from Mandela to Wood, and for the Peralta/Lewis/5th St. triangle
- D. Proposed Zoning Map Amendment to the portion of Adeline St. between 18th and 19th Street
- E. Proposed Zoning Map and Height Area Amendment to the corner of San Pablo Avenue and 33rd Street
- F. Proposed Zoning Map Amendment to the Wood Street Zoned area in West Oakland

ATTACHMENT A

OAKLAND

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

Sections:

17.13.010 Title, intent, and description.

17.13.050 Property development standards.

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.

17.13.050 Property development standards.

A. Zone Specific Standards.

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Maximum Density	1 primary dwelling unit per lot				4
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				16, 17
Minimum parking spaces required per Primary Unit	2	2	2	2	16
Additional parking spaces required for Secondary Unit	1	1	1	1	16, 17

Additional Regulations for Table 17.13.03:

~~4. See Section 17.103.080 for provisions related to Secondary Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.~~

10. In all RH Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half (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 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.

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Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.13.03. [Additional Regulation 10], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots. See Section 17.108.130 for allowed projections into setbacks.

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Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

Sections:

17.15.010 Title, intent, and description.

17.15.050 Property development standards.

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 Zones Regulations. The intent of the Detached Unit Residential (RD) Zones is to create, maintain, and enhance residential areas primarily characterized by a mix of single-family homes and duplexes, detached, single-unit structures.

17.15.050 Property development standards.

A. Zone Specific Standards.

Table 17.15.03: Property Development Standards

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Lot Dimensions			
Lot Width mean	40-45-ft.	40-45-ft.	1
Frontage	25 ft.	25 ft.	1
Lot area	4,000-5,000-sf.	4,000-5,000-sf.	1, 2
Maximum Density			
Permitted density	1 primary dwelling unit per lot	1 primary dwelling unit per lot	3, 4
Conditionally permitted density	N/A	2 regular units on lots 6,000 sf. or greater	3, 5
Minimum Setbacks for Lots Equal to or Greater than 4,000 Square Feet in Area or 40 Feet in Width			
Reduced Setbacks for Smaller Lots (Less than 4,000 Square Feet in Area or 40 Feet in Width)	See Table 17.15.04 for reduced setbacks for smaller lots		
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements		18, 19
—Minimum parking spaces required per Primary Unit	2	1.5	18
—Additional parking spaces required for Secondary Unit	1	1	18, 19

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Additional Regulations for Table 17.15.03:

4. See Section 17.103.080 for standards related to Secondary Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080.

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

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

B. **Reduced Setbacks for Smaller Lots.** Table 17.15.04 below prescribes reduced setback standards for lots with a lot area of less than four thousand (4,000) square feet or lot width mean of less than forty (40) feet. "N/A" designates that the regulation is not applicable to the specified lot 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 Four Thousand (4,000) Square Feet in Area or Forty (40) Feet in Width)

Regulation	Lot Size		Additional Regulations
	< ≤4,000 sf. in Area or < 40 feet in Width-wide	< ≤3,000 sf. in Area or < 35 feet in Width wide	
Minimum Setbacks			
Minimum interior side	4 ft.	3 ft.	1
Minimum street side	4 ft.	3 ft.	1
Rear	15 ft.	15 ft.	1

Additional Regulations for Table 17.15.04:

1. See Section 17.108.130 for allowed projections into setbacks.

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Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Sections:

17.17.010 Title, intent, and description.

17.17.050 Property development standards.

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.

17.17.050 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	40 ft. 45 ft.	30 ft. 25 ft./45 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf. 5,000 sf.	3,000 sf. 2,500 sf./4,000 sf./5,000 sf.	3,000 sf. 4,000 sf.	3,000 sf. 4,000 sf.	1
Maximum Density					
Permitted density	1 primary unit per lot	1 primary unit on lots less than 4,000 sf.;	1 primary unit on lots less than 4,000 sf.;	1 primary unit on lots less than 4,000 sf.;	2
		For 2 — 3 regular		For 2 — 4 regular units, 1 unit per 1,000 sf. 1,100 sf. of lot area; only on lots 4,000 sf. or greater	

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Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
		2 <u>regular</u> units on lots 4,000 sf. or greater	units, <u>1 unit per 1,500 sf. of lot area;</u> <u>only on lots 4,000 sf. or greater</u>		
Conditionally permitted density (only for lots 4,000 sf. or greater)	2 <u>regular</u> units <u>per lot</u>	For 3 or more <u>regular</u> units, 1 unit per <u>2,000 sf.</u> <u>2,500 sf.</u> of lot area	For <u>4</u> or more <u>regular</u> units, 1 unit per 1,500 sf. of lot area	For 5 or more <u>regular</u> units, 1 unit per <u>1,000 sf.</u> <u>1,100 sf.</u> of lot area;	2, 3
Minimum Setbacks for Lots Equal to or Greater than Four Thousand (4,000) Square Feet in Area or 40 Feet in Width					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6
<u>Minimum front for Facilities in the C Combining Zone</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>7</u>
Minimum interior side	<u>4 ft. 5-ft.</u>	<u>4 ft. 3 ft./4 ft./5 ft.</u>	4 ft.	4 ft.	1, 7, 8, 9
Minimum street side	<u>4 ft. 5-ft.</u>	<u>4 ft. 3 ft./4 ft./5 ft.</u>	4 ft.	4 ft.	1, 4, 7, 8, 10
Rear	15 ft.	15 ft.	15 ft.	15 ft.	11
Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet in Area or 40 Feet in	See Table 17.17.04 for reduced setbacks for smaller lots				

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Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Width)					
Maximum Lot Coverage for 3 or More Units	N/A	45% 40%	50%	N/A	<u>19, 20</u>
Height Regulations for All Lots with a Footprint Slope of <20%					
Maximum wall height primary building	25 ft.	25/ 30 ft.	30/ 35 ft.	35 ft.	12, 13, 14
Maximum pitched roof height primary building	30 ft.	30/ 35 ft.	35 30 ft.	35 ft.	12, 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	12
<u>Minimum height of ground floor Commercial Facilities</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>21</u>
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<u>16, 17</u>
—Minimum parking spaces required per regular unit	1.5	1 / 1.5	1	1	16, 17
—Additional parking spaces required for Secondary Unit	1	1	1	1	16, 18
—Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Minimum Open Space					
Group open space per regular unit	300 sf.	250 sf. 300 sf.	200 sf.	175 sf.	<u>1819</u>
Group open space per regular unit when private open space substituted	100 sf.	90 sf. 100 sf.	80 sf. 85 sf.	70 sf.	<u>1819</u>

Additional Regulations for Table 17.17.03:

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

a. Also for the RM-2 Zone in the West Oakland District only, a conditional use permit to further reduce the minimum lot area from four thousand (4,000) square feet (as specific above) to two thousand five hundred (2,500) square feet and the minimum interior side and street side setbacks from four (4) feet (as specified in additional regulation 8, below) to three (3) feet may be granted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to the following additional criteria:

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

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

7. No front yard or side setback is are required for commercial facilities in the C Combining Zone where there is an existing context in the area of no front yard setback, or when located in an existing facility that was built prior to the effective date of this Chapter. Also, no side yard setback is required 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; in these cases, there shall be provided a side yard of the normally required minimum width on the former lot, along the abutting portion of the its side lot line, a side yard with a minimum width of five (5) feet. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.

8. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum interior side and street side setbacks for lots equal to or greater than four thousand (4,000) square feet shall be reduced to four (4) feet. See additional regulation 1, above for further reduced interior side and street side setbacks for the RM-2 Zone in the West Oakland District only, and See Table 17.17.04 for general reduced setbacks for smaller lots. See also Section 17.108.130 for allowed projections into setbacks.

14. In the RM-3 Zone, a maximum wall height of thirty-five (35) feet is permitted for projects with ground-floor Commercial Facilities. All other projects in the RM-3 Zone shall be subject to a maximum wall height of thirty (30) feet. 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 in the RM-2 Zone 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

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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 in the RM-2 Zone 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.

~~17. In the RM-2 Zone, when the lot is less than four thousand (4,000) square feet in size or forty-five (45) feet in width, only one (1) parking space is required per unit. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum parking requirement shall be only one (1) space per unit regardless of lot size or width.~~

~~1748. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.~~

~~1849. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.~~

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

~~20. 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 lot coverage percentage (%) listed.~~

~~21. This height is only required for new principal buildings with ground-floor Commercial Facilities and is measured from the sidewalk grade to the second story floor.~~

B. Reduced Setbacks for Smaller Lots. Table 17.17.04 below prescribes reduced setback standards for lots with a lot area of less than four thousand (4,000) square feet or a lot width mean of less than forty (40) feet. "N/A" designates that the regulation is not applicable to the specified lot size. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.04 Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet in Area or Forty (40) Feet in Width)

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

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Rear	15 ft.	15 ft.	1
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Additional Regulations for Table 17.17.04:

1. See Section 17.108.130 for allowed projections into setbacks.

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

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

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

Additional Regulations for Table 17.17.05:

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

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Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.010 Title, intent, and description.

17.19.050 Property development standards.

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.

17.19.050 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	3,000 sf. 4,000 sf.	3,000 sf. 4,000 sf.	3,000 sf. 4,000 sf.	3,000 sf. 4,000 sf.	3,000 sf. 4,000 sf.	1
Maximum Density						
Permitted density for regular dwelling units	1 unit per 1,000 sf. 1,100 sf. of lot area	1 unit per 750-800 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	2
Permitted density for rooming units	N/A	1 unit per 750-800 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	
Minimum Setbacks for Lots Equal to or Greater than 3,000 Square Feet in Area or 25 Feet in Width						
Minimum interior side	4 ft.	4 ft.	3 ft. 0 ft.	0 ft.	0 ft.	3, 7, 8
Minimum street side	4 ft.	4 ft.	3 ft. 4 ft.	0 ft.	0 ft.	3, 4, 7, 9

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Rear (Residential Facilities)	15 ft.	15 ft.	15 ft.	10 ft. 10/15 ft.	10 ft. 10/15 ft.	3, 7, 10, 11
Rear (Nonresidential Facilities)	15 ft.	15 ft.	15 ft.	0/10 ft. 0/10/15 ft.	0/10 ft. 0/10/15 ft.	3, 10, 11
Reduced Setbacks for Smaller Lots (Less than 3,000 Square Feet in Area or 25 Feet in Width) < 3,000-sf. or < 35-ft. wide						
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A	3, 8
Minimum street side	3 ft.	3 ft.	N/A 3 ft.	N/A	N/A	3, 4, 8
Height Regulations						
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	15 ft. 12 ft.	15 ft. 12 ft.	12
Maximum height primary building	35 ft. 40 ft.	45 ft. 50 ft.	60 ft.	See Table 17.19.04	See Table 17.19.04	14, 15
Parking Requirements						
Minimum Parking Spaces Required per Regular Residential Unit	1	1	1	1	1	16
Minimum Parking Spaces Required per Regular Residential Unit	See Chapter 17.116 for parking requirements					16
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements					

Additional Regulations for Table 17.19.03:

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

3. In the RU-1, RU-2, and RU-3 Zones, no front or side yard setback is required for Commercial Facilities when located in an existing facility that was built prior to the effective date of this Chapter. Also, See Section 17.108.130 for allowed projections into setbacks.

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

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

15. In the RU-2 and RU-3 Zone, a building may only exceed forty (40) feet in height up to the maximum height if each portion above forty (40) feet is: Set back from the inner line of each of the minimum side setbacks, if any, required by Subsection 17.28.150.C.1 a minimum horizontal distance equal to one (1) foot for each five (5) four (4) feet by which it extends above the height of forty (40) feet; and set back from the inner line of the minimum rear yard required by Subsection 17.28.150.D a minimum horizontal distance equal to one (1) foot for each three (3) two (2) feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet (see Illustration for Table 17.19.03 [Additional Regulation 15], below).

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	75	90	120	
Maximum Residential Density (square feet of lot area required per unit)	550 sf.	450 sf.	350 sf. 375 sf.	250 sf. 275 sf.	225 sf.	225 sf.	4, 5

Additional Regulations for Table 17.19.04:

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

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

Sections:

17.30.060 Conditionally permitted activities.

17.30.090 Special regulations applying to certain Commercial Activities.

17.30.110 Use permit criteria for Commercial Activities.

17.30.140 Maximum residential density.

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

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 pursuant to the conditional use permit procedure in Chapter 17.134:

C. 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~~

Group Assembly

Personal Instruction and Improvement Services

17.30.090 Special regulations applying to certain Commercial Activities.

The maximum floor area devoted to All-General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Convenience Market, Alcoholic Beverage Sales, and Consumer Service, or Group Assembly Commercial Activities by any single establishment shall be seven thousand five hundred (7,500) square feet. The maximum floor area devoted to Personal Instruction and Improvement Services Commercial Activities by any single establishment shall be three thousand (3,000) square feet. shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely

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~~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, Consultative and Financial Service, Group Assembly, or Personal Instruction and Improvement 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.

A. Permitted Density.

1. Regular dwelling units. One (1) regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
2. Efficiency dwelling units. One (1) efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.
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

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

5. One-Family Dwelling or One-Family Dwelling with Secondary Unit. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. A Secondary Unit that meets all provisions of Title 17, including but not limited to Section 17.103.080, is permitted when there is no more than one (1) Primary Dwelling Unit on the lot.

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

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Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

Sections:

17.33.030 Permitted and conditionally permitted activities.

17.33.040 Permitted and conditionally permitted facilities.

17.33.050 Property development standards.

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	
Industrial Activities					
Custom Manufacturing	C(L4){L13}	C(L4){L13}	C(L13)	C	

Limitations on Table 17.33.01:

L13. Not permitted on the ground floor.

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)	

Limitations on Table 17.33.02:

L1. See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. One-Family Dwelling Facilities are permitted in the 35* height area (see Table 17.33.04).

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17.33.050 Property development standards.

Table 17.33.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Design Regulations					
Minimum height of ground floor Nonresidential Facilities	15 ft. 12 ft.	15 ft. 12 ft.	15 ft. 12 ft.	15 ft. 12 ft.	10

Additional Regulations for Table 17.33.03:

10. This height is only required for new principal buildings and is measured from the sidewalk grade to the second story floor. to the ground floor ceiling.

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

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

Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular units	550	Same density regulations as abutting RH, RD, or RM Zone	450	350 375	250 275	225	4, 5, 6
Rooming units	275	Same density regulations as abutting RH, RD, or RM Zone	225	175 185	125 135	110	4, 5, 6
Usable Open Space (square feet per residential unit)							
Group usable open space per regular unit	150	Same open space density regulations as abutting RH, RD, or RM Zone	150	150	150	100	6, 7
Group usable open space per regular unit when private open space substituted	30	Same open space density regulations as abutting RH, RD, or RM Zone	30	30	30	20	6, 7
Group usable open space per Rooming unit	75	Same open space density regulations	75	75	75	50	6, 7

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Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
		as abutting RH, RD, or RM Zone					
Group usable open space per rooming unit when private open space is substituted	15	Same open space density regulations as abutting RH, RD, or RM Zone	15	15	15	10	6, 7

Additional Regulations for Table 17.33.04:

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

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Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

Sections:

17.35.030 Permitted and conditionally permitted activities.

17.35.050 Property development standards.

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)	PC(L3)(L12)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	PC(L1)(L3)(L12)	17.103.010
Supportive Housing	P(L2)(L3)	P(L2)(L3)	PC(L3)(L12)	
Transitional Housing	P(L2)(L3)	P(L2)(L3)	PC(L3)(L12)	
Emergency Shelter	C(L1)(L3)	P(L4)	P(L4)	17.103.010
Semi-Transient	—	—	—	
Bed and Breakfast	C	C	C(L3)(L12)	17.10.125
Agriculture and Extractive Activities				
Limited Agriculture	P(L13)(L12)	P(L13)(L12)	P(L13)(L12)	
Extensive Agriculture	C(L14)(L13)	C(L14)(L13)	C(L14)(L13)	

Limitations on Table 17.35.01:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility, and 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.

L7. 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~~ ~~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.

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L12. In the CC-3 Zone, these activities may only be located in an existing Residential Facility that was built prior to the effective date of this Chapter. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L1312. Limited Agriculture is permitted outright if the activity occupies less than 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).

L1413. 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:

17.35.050 Property development standards.

A. Zone Specific Standards.

Table 17.35.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Design Regulations				
Minimum height of ground floor Nonresidential Facilities	N/A	15 ft. 12 ft.	15 ft. N/A	10

Additional Regulations for Table 17.35.03:

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

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

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

Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
Maximum Residential Density (square feet of lot area required per dwelling unit)								
Regular units	550	450	350 375	250 275	225	225	225	4, 5
Rooming units	275	225	175 185	125 135	110	110	110	4, 5

Additional Regulations for Table 17.35.04:

4. See Chapter 17.107 for affordable and senior housing incentives. ~~A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of~~

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~~Section 17.103.080.~~ Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms, and the provisions of Section 17.103.080 with respect to Secondary Units.

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Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

Sections:

17.37.030 Permitted and conditionally permitted activities.

17.37.040 Permitted and conditionally permitted facilities.

17.37.050 Property development standards.

17.37.030 Permitted and conditionally permitted activities.

Table 17.37.01: Permitted and Conditionally Permitted Activities

Activities	Zone	Additional Regulations
	CR-1	
Residential Activities		
Residential Care	—	
Emergency Shelter	C(L1)	17.103.010
Semi-Transient	C(L1)	

Limitations on Table 17.37.01:

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

17.37.040 Permitted and conditionally permitted facilities.

Table 17.37.02: Permitted and Conditionally Permitted Facilities

Facilities	Zone	Additional Regulations
	CR-1	
Residential Facilities		
One-Family Dwelling	—(L1)(L3)	
One-Family Dwelling with Secondary Unit	—(L1)(L3)	
Two-Family Dwelling	—(L1)(L3)	
Multifamily Dwelling	—(L1)(L3)	
Rooming House	—(L1)(L3)	
Mobile Home	—(L1)(L3)	

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Limitations for Table 17.37.02:

L3. No new Residential Facilities are permitted in the CR-1 Zone, except for those serving a conditionally permitted Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.01.

17.37.050 Property development standards.

A. **Zone Specific Standards.** Table 17.37.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.37.03: Property Development Standards

Development Standards	CR-1 Zone	Additional Regulations
Minimum/Maximum Setbacks		
Minimum front	0/10 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.	2

Additional Regulations for Table 17.37.03:

2. A minimum front yard setback of ten (10) feet shall be required, except for retail or similar facilities oriented toward pedestrian activity. When the facility is intended for retail or similar pedestrian-oriented activities, there is no required front yard setback. 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, where applicable, shall, except for necessary driveways, walkways, and allowable signs, be developed as open landscaped areas with a combination of lawn or other ground cover, garden, shrubs, trees, and/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.

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Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

Sections:

17.54.130 Maximum residential density.

17.54.130 Maximum residential density.

A. Permitted Basic Density.

1. Regular dwelling units. One (1) regular dwelling unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet.
2. Efficiency dwelling units. One (1) efficiency dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred twenty-five (225) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
3. Rooming units. ~~One (1) rooming unit is permitted. The maximum number of rooming units shall be one for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet.~~
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwelling or One-Family Dwelling with Secondary Unit. ~~A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. A Secondary Unit that meets all provisions of Title 17, including but not limited to Section 17.103.080, is permitted when there is no more than one (1) Primary Dwelling Unit on the lot.~~

B. Conditionally Permitted Density. Bonuses.—The number of living units allowed by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

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

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

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Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

Sections:

17.56.050 Permitted activities.

17.56.060 Conditionally permitted activities.

17.56.140 Maximum residential density.

17.56.050 Permitted activities.

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

C. Commercial Activities:

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Medical Service

Group Assembly

Personal Instruction and Improvement Services

General Retail Sales

Consumer Service

Consultative and Financial Service

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

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:

C. Commercial Activities:

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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
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

17.56.140 Maximum residential density.

A. Permitted Density.

1. Regular dwelling units. One (1) regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
2. Efficiency dwelling units. One (1) efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.
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

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ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

5. One-Family Dwelling or One-Family Dwelling with Secondary Unit. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. A Secondary Unit that meets all provisions of Title 17, including but not limited to Section 17.103.080, is permitted when there is no more than one (1) Primary Dwelling Unit on the lot.

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

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

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

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

17.65.070 Maximum density.

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
Dwelling Unit	1,000 sf. of lot area per unit	900 sf. <u>930 sf.</u> of lot area per unit	700 sf. <u>730 sf.</u> of lot area per unit	800 sf. of lot area per unit
Rooming Unit	500 sf. of lot area per unit	450 sf. <u>465 sf.</u> of lot area per unit	350 sf. <u>365 sf.</u> of lot area per unit	400 sf. of lot area per unit

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

Sections:

17.72.040 Permitted and conditionally permitted facilities.

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)	—	
One-Family Dwelling with Secondary Unit	—	—(L4)	—	17.103.080
Two-Family Dwelling	—	—(L4)	—	
Multifamily Dwelling	—	—(L4)	—	
Rooming House	—	—(L4)	—	
Mobile Home	—	—(L4)	—	

Limitations on Table 17.72.02:

L4. ~~No All~~ new Residential Facilities are permitted in the M-30 Zone prohibited, except for those serving a permitted Emergency Shelter Activity as indicated in Table 17.72.01, Limitation L1.

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Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS
Sections:

17.73.020 Permitted and conditionally permitted activities and facilities.

17.73.030 Property Development Standards.

17.73.065 Special regulations for Large-Scale Developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones without a T overlay.

17.73.020 Permitted and conditionally permitted activities and facilities.

Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities

Facility Types	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Residential Facilities	No new All-Residential Facilities are permitted prohibited in each Zone, except for those serving a permitted Emergency Shelter Activity as indicated in Limitation L1 below.								

Limitations:

L1. Emergency Shelters are permitted by-right 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).

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	
<u>Maximum Fence Height adjacent to Residential or Open Space Zones</u>	See Section 17.108.140 for maximum fence heights in Industrial Zones when adjacent to Residential or Open Space Zones								14, 15

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Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
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

Additional Regulations Noted in Table 17.73.030

2. A conditional use permit to exceed the maximum Floor Area Ratio (FAR) as shown in Table 17.73.030 may be granted for the CIX-1C, CIX-1D, CIX-1, CIX-2, IG, and IO Zones upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to all of the following additional criteria:

c. If adjacent to a Residential or Open Space Zone boundary, the proposed development has a step back of one (1) foot to every ~~two (2) feet~~ ~~one (1) foot~~ of height, beginning with a maximum height of thirty (30) feet at all required yard setbacks; and

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, 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 of width as well as fewer trees and shrubs~~ at a standard appropriate for minimizing the incompatibility between uses. The wall design shall be approved by the Planning Director, or his or her designee.

17.73.065 Special regulations for Large-Scale Developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones without a T overlay.

Developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones without a T overlay that involve more than one hundred thousand (100,000) square feet of new floor area may only be permitted upon the granting of a 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).

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Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS

Sections:

17.74.120 Maximum residential density.

17.74.120 Maximum residential density.

A. Permitted Density.

1. Regular dwelling units. One (1) regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
2. Efficiency dwelling units. One (1) efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.
3. Rooming units. One (1) rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. 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.
- 4-5. One-Family Dwelling or One-Family Dwelling with Secondary Unit. ~~A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. A Secondary Unit that meets all provisions of Title 17, including but not limited to Section 17.103.080, is permitted when there is no more than one (1) Primary Dwelling Unit on the lot.~~

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Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS

Sections:

17.76.140 Maximum residential density.

17.76.200 Special regulations for Mini-Lot Developments, Planned Unit Developments, and Large-Scale Developments.

17.76.140 Maximum residential density.

A. Permitted Density.

1. Regular dwelling units. One (1) regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
2. Efficiency dwelling units. One (1) efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.
3. Rooming units. One (1) rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each.
5. One-Family Dwelling or One-Family Dwelling with Secondary Unit. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. A Secondary Unit that meets all provisions of Title 17, including but not limited to Section 17.103.080, is permitted when there is a One-Family Dwelling on the lot.

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17.76.200 Special regulations for Mini-Lot Developments, Planned Unit Developments, and Large-Scale Developments.

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

Sections:

17.97.025 Use Permit Criteria

17.97.030 Special regulations for Llarge-Sscale Ddevelopments.

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

17.97.025 Use permit criteria.

In the S-15 Zones, a Conditional Use Permit for any Activity or Facility listed in Sections 17.97.030, 17.97.040, 17.97.050, and 17.97.080, 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 the following additional use permit criteria:

- F. In addition to the foregoing criteria and any other applicable requirements, Automotive Fee Parking within this zone shall be subject to the following use permit criteria:
1. Automotive Fee Parking Commercial Activities ~~are shall be~~ part of a larger development that contains a significant amount of Commercial and/or Residential Facilities;
 2. Automotive Fee Parking Commercial Activities ~~are only may only be~~ contained in a structured parking facility ~~of at least three (3) stories that~~ replaces an existing at-grade parking facility;
 3. The new parking structure ~~shall represents~~ no more than a seventy-five percent (75%) increase of existing parking at the site;
 4. Automotive Fee Parking Commercial Activities at the site ~~are shall be~~ specifically designated by a city sponsored plan or study designed to promote a transit-oriented district as defined by the General Plan;
 5. ~~Where feasible, t~~The facility or facilities containing the Residential and/or Commercial Activities ~~are shall be~~ adjacent to the principal street(s) and the Automotive Fee Parking Commercial Activities ~~are located shall be~~ behind and substantially visually obstructed from the principal Street(s) by the Residential and/or Commercial Facility or Facilities; and
 6. The project ~~is shall be~~ consistent in all significant respects with the General Plan's goals, objectives, and policies that promote transit-oriented development and districts.

17.97.030 Special regulations for Llarge-Sscale Ddevelopments.

No development ~~that~~ which involves more than one hundred thousand (100,000) square feet of new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and Section 17.97.025, ~~17.97.100, or upon the granting of a Planned Unit Development approval pursuant to Chapters 17.140 and 17.142. This requirement shall not apply to developments that have been approved~~

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according to the Planned Unit Development (PUD) procedure (see Chapter 17.140 for the PUD procedure).

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

Table 17.97.01 below prescribes height, FAR, density, and open space standards associated with the S-15 and S-15W Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified Height Area.

Table 17.97.01 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Regulation	Height Area										Additional Regulations
	35	45	55	60	75	90	100	120	140	160	
Maximum Residential Density (square feet of lot area required per dwelling unit)											
Regular units	550	450	350 375	350 375	250 275	225	225	225	225	225	4, 5
Rooming units	275	225	175 185	175 185	125 135	110	110	110	110	110	4, 5

Additional Regulations for Table 17.97.01:

4. See Chapter 17.107 for affordable and senior housing incentives. ~~A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.103.080 with respect to Secondary Units, 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.~~

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Chapter 17.100A S-19 HEALTH AND SAFETY PROTECTION COMBINING ZONE REGULATIONS

Sections:

17.100A.030 Zones with which the S-19 Zone may be combined.

17.100A.030 Zones with which the S-19 Zone may be combined.

- A. The standards of the S-19 Combining Zone shall apply to the following zoning districts:
1. Housing and Business Mix (HBX) Zones;
 2. D-CE-3 and D-CE-4 (Central Estuary District) Zones;
 - ~~3. CIX-1 (Commercial Industrial Mix-1) Zone;~~
 34. CIX-1A, CIX-1B, CIX-1C, and CIX-1D (West Oakland Plan Area Commercial Industrial Mix-1A, -1B, -1C, and -1D) Zones that are within 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);
 45. CIX-1 (Commercial Industrial Mix-1), CIX-2 (Commercial Industrial Mix-2), IG (General Industrial), and IO (Industrial Office) Zones zoning districts that are within three hundred (300) feet from any Residential, Open Space, or Institutional Zone boundary.

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

Sections:

17.101A.010 Title, purpose, and applicability.

17.101A.030 Property development standards.

17.101A.010 Title, purpose, and applicability.

- A. The provisions of this Chapter (in combination with the separate Wood Street Zoning District document adopted by City Council as part of Ordinance 12673 C.M.S that prescribes the Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District), shall be known as the D-WS Wood Street District Zones Regulations. The intent of the Wood Street District (D-WS) Zones is to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880. The D-WS-1 through D-WS-9 Zones are intended to reflect the same boundaries as the Wood Street Development Areas 1 through 9.
- B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District shall be as prescribed in the original Ordinance 12673 C.M.S, amending Ordinance 13093 C.M.S, all subsequent amending Ordinances adopted by City Council, and as amended in ~~Section 17.101A.020~~ below. All such regulation shall apply to the area of the zoning maps with a D-WS designation.

17.101A.020 Permitted and conditionally permitted activities.

Table 17.101A.01 lists the permitted, conditionally permitted, and prohibited activities in the ~~Development Areas of 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 ~~Development Areas of the D-WS Zone~~.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding ~~Development Areas of the 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	Development Areas of the D-WS 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										

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Activities	Development Areas of the D-WS-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	
Permanent	P	P	P	P	—	P	P	P	—	
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	—	P(L1)	P(L1)	P(L1)	—	17.103.010
Supportive Housing	P	P	P	P	—	P	P	P	—	
Transitional Housing	P	P	P	P	—	P	P	P	—	
Emergency Shelter	—	—	—	—	—	—	—	—	—	17.103.010
Semi-Transient	—	—	—	—	—	—	—	—	—	
Bed and Breakfast										17.10.125
Civic Activities										
Essential Service	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	
Limited Child-Care	—	P	—	P	P	P	—	P	—	
Community Assembly	—	P(L2)	—	P(L2)	P(L2)	P(L2)	—	P(L2)	C(L12)	
Recreational Assembly	—	—	—	—	C	—	—	—	C(L12)	
Community Education	C	C	C	C	C	C	C	C	C	
Nonassembly Cultural	—	P	—	P	P	P	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P(L3)	—	P	—	
Health Care	—	P(L3)	—	C	C	C	—	P	—	
Special Health Care	—	—	—	—	—	—	—	—	—	17.103.020
Utility and Vehicular	—	P(L4)	—	P(L4)	P(L4)	P(L3)	—	P(L4)	—	

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Activities	Development Areas of the D-WS 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	
Extensive Impact	—	—	—	—	—	—	—	—	—	
Commercial Activities										
General Food Sales	—	P(L5)	—	P(L5)	P	P(L5)	—	P(L5)	—	
Full Service Restaurant	—	P	—	P	P	P	—	P	—	
Limited Service Restaurant and Cafe	—	P	—	P	P	P	—	P	—	
Fast Food Restaurant	—	—	—	C	C	C	—	C	—	17.103.030 and 8.09
Convenience Market	—	C(L6)	—	C(L6)	C(L6)	C(L6)	—	C(L6)	—	17.103.030
Alcoholic Beverage Sales	—	C(L7)	—	C(L7)	C(L7)	C(L7)	—	C(L7)	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	—	—	—	—	
Medical Service	—	P(L8)	—	P(L8)	P(L8)	P(L8)	—	P(L8)	—	
General Retail Sales	—	P(L3)	—	P(L3)	P	P	—	P	—	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	—	—	—	—	
Consumer Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consultative and Financial Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—	—	17.103.040

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Activities	Development Areas of the D-WS-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	
Consumer Cleaning and Repair Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consumer Dry Cleaning Plant	—	—	—	—	—	—	—	—	—	
Group Assembly	—	—	—	—	C	—	—	P	C(L12)	
Personal Instruction and Improvement Services	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P	—	P	—	
Business, Communication, and Media Service	—	C	—	C	C	C	—	P	—	
Broadcasting and Recording Service	—	C	—	C	C	C	—	P	—	
Research Service	—	C(L11)	—	—	—	—	—	P	—	
General Wholesale Sales	—	C(L11)	—	—	—	—	—	P	—	
Transient Habitation	—	—	—	—	—	—	—	P	—	17.103.050
Building Material Sales	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	—	—	—	—	
Automobile and Other	—	—	—	—	—	—	—	—	—	

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Activities	Development Areas of the D-WS 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	
Light Vehicle Gas Station and Servicing										
Automotive and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	—	—	—	—	17.103.055
Animal Care	—	—	—	—	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	—	—	—	—	
Industrial Activities										
Custom Manufacturing	—	P	—	C	C	C	—	P	—	
Light Manufacturing	—	C	—	—	C	—	—	C	—	
General Manufacturing	—	—	—	—	—	—	—	C	—	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	—	—	—	
Research and Development	—	C(L11)	—	—	C	—	—	—	—	
Construction Operations	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P(L10)	—	
Warehousing, Storage and Distribution-Related:										
A. General Warehousing, Storage and	—	C(L11)	—	—	—	—	—	—	—	

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Activities	Development Areas of the D-WS 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	
Distribution										
B. General Outdoor Storage	—	—	—	—	—	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	—	—	—	—	
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	—	—	—	
Regional Freight Transportation:	—	—	—	—	—	—	—	—	—	
Trucking and Truck-Related:	—	—	—	—	—	—	—	—	—	
Recycling and Waste-Related:										
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
Hazardous Materials Production, Storage & and Waste Management-Related	—	—	—	—	—	—	—	—	—	
Agricultural and Extractive Activities										
Plant Nursery	—	—	—	—	—	—	—	—	—	

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Activities	Development Areas of the D-WS-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	
Limited Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Extensive Agriculture	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Mining and Quarrying Extractive	—	—	—	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	—	—	—	—	—	—	—	—	—	17.116.175
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	—	—	—	—	—	—	—	—	—	17.102.110

Limitations on Table 17.101A.01:

L10. Activities with a total floor area greater than five thousand (5,000) square feet require the granting of a conditional use permit (see Chapter 17.134) and activities with a floor area over ten thousand (10,000) square feet are prohibited except for the portion of the D-WS-2 Zone designated in the separate Wood Street Zoning District document as Development Area 2B (the icehouse property). This activity is limited to neighborhood-serving construction product sales and services (Note: Hardware Stores are a General Retail Sales Commercial Activity, refer to L3)

L11. Only applies to the "Icehouse" building located in the portion of the D-WS-2 Zone designated in the separate Wood Street Zoning District document as Development Area 2B.

17.101A.030 Property development standards.

Zone Specific Standards. Table 17.101A.02 below prescribes development standards specific to individual D-WS Zones in the Wood Street Zoning District. The number designations

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in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified D-WS Zone.

Table 17.101A.02 – Property Development Standards

Development Standards	Zones Development Areas									Additional Regulations
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
Maximum Residential Density (square feet of lot area required per dwelling unit)										
Maximum Permitted Density for Regular Land Area per Dwelling Units	1 unit per 1,535 sf.	1 unit per 848.85 sf.	1 unit per 1,218 sf.	1 unit per 614 sf.	N/A	1 unit per 549 sf.	1 unit per 679 sf.	1 unit per 332 sf.	N/A	1
	1535.3 sf. of lot area	848.85 sf. of lot area	1217.5 sf. of lot area	613.75 sf. of lot area		549.06 sf. of lot area	679.02 sf. of lot area	331.6 sf. of lot area		
Maximum Dwelling Units per Acre (DU/A)	28.4 DU/A	51.5 DU/A	35.8 DU/A	71.1 DU/A	N/A	79.33 DU/A	64.2 DU/A	131.3 DU/A	N/A	1
Maximum Number of Units	82	200	200	450	0	215	170	264	0	1
Minimum Residential Density (square feet of lot area required per dwelling unit)										
Minimum Permitted Density for Regular Land Area per Dwelling Units	1 unit per 2,000 sf. of lot area (22 DU/A)	1 unit per 2,000 sf. of lot area (22 DU/A)	1 unit per 2,000 sf. of lot area (22 DU/A)	1 unit per 2,000 sf. of lot area (22 DU/A)	N/A	N/A	1 unit per 1,000 sf. of lot area (44 DU/A)	1 unit per 1,000 sf. of lot area (44 DU/A)	N/A	1
Maximum Nonresidential Floor Area Ratio (FAR)										
Max. FAR for Nonresidential Uses	N/A	1.4	N/A	2.0	2.0	2.0	N/A	3.0	N/A	3, 6, 7
		1.38:1		2.02:1	2.00:1	2.02:1		2.947:1		
Maximum Floor Area For Nonresidential Uses										
Max. Floor Area for Nonresidential Uses (sq. ft.)	0 sf.	221,000 sf.	0 sf.	40,000 sf.	70,000 sf.	6,000 sf.	0 sf.	258,000 sf.	N/A	3, 6, 7
		220,779 sf.								
Maximum Height										
Max. Height	65 ft.	65 ft.	50 ft.	50 ft.		65 ft.	90 ft.	90 ft.	N/A	2

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Development Standards	Zones Development Areas									Additional Regulation ⁸
	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	
Minimum Street Setbacks										
Wood Street	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	N/A	4
12th Street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	4
Frontage Road	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	4
14th Street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	4
Public Access Areas	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	4
Minimum Interior Setbacks										
Min. Interior Setbacks	5 ft.	5 ft.	10 ft.	5 ft.	5 ft.	5 ft.	0 ft.	0 ft.	N/A	4
Minimum Usable Open Space										
Group Usable Open Space per Dwelling Unit (DU)	100 sf.	75 sf.	100 sf.	100 sf.	N/A	75 sf.	75 sf.	50 sf.	N/A	5
Parking Requirements										
Required Parking for All Uses	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements									
Required Parking For Residential Uses	1.1 spaces per DU	1.1 spaces per DU	1.1 spaces per DU	1.1 spaces per DU	1.1 spaces per DU	1.1 spaces per DU	1.1 spaces per DU	1.1 spaces per DU	N/A	
Required Parking For Joint Living and Working Quarters (L/W Unit)	1.2 spaces per L/W Unit	1.2 spaces per L/W Unit	1.2 spaces per L/W Unit	1.2 spaces per L/W Unit	1.2 spaces per L/W Unit	1.2 spaces per L/W Unit	1.2 spaces per L/W Unit	1.2 spaces per L/W Unit	N/A	
Required Parking For Nonresidential Uses	See Reg-8 below	See Reg-8 below	See Reg-8 below	See Reg-8 below	See Reg-8 below	See Reg-8 below	See Reg-8 below	See Reg-8 below	See Reg-8 below	8

Additional Regulations for Table 17.101A.02:

1. Density based on Regular Dwelling Units. For Efficiency Dwelling Units, the minimum allowable lot area per unit shall be the same as for Regular Dwelling Units. One additional unit

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is allowed if after division of the total lot area by the minimum lot area the remainder is equal to 2/3 or greater of the minimum lot area. For Rooming Units, there is no minimum density standard.

2. See Section 5.23 and Figure 5.23-1 in the separate Wood Street Zoning District document adopted by City Council for additional height restrictions applicable to the Wood Street Zoning District Development Areas and Overlay Areas. Projections above height limits are allowed as set forth in Section 17.108.030 of the Oakland Planning Code.

3. See Section 5.80 in the separate Wood Street Zoning District document adopted by City Council for restrictions on additions to the 16th Street Train Station.

4. For Minimum Street Setbacks, see Figure 5.24-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

5. For additional Open Space Standards applicable to the Wood Street Zoning District, see Section 5.40 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

6. For Standards applicable to the D-WS-5 Zone (same area as Development Area 5), see Section 5.80 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

7. For Standards applicable to the D-WS-9 Zone (same area as Development Area 9), see Section 5.90 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

8. For Required Off Street Parking for Nonresidential Uses, see Table 5.50-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

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Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

Sections:

17.101H.070 Use permit criteria in the D-CO-1 Zone.

17.101H.050 Property development standards.

17.101H.070 Use permit criteria in the D-CO-1 Zone.

In the D-CO-1 Zone, a conditional use permit for any activity or facility listed in Sections 17.101H.030, 17.101H.040, and 17.101H.060, 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 the following additional use permit criteria:

- F. In addition to the foregoing criteria and any other applicable requirements, Automotive Fee Parking within this zone shall be subject to the following additional use permit criteria:
1. The Automotive Fee Parking Commercial Activities ~~are is~~ part of a larger development that contains a significant amount of Commercial and/or Residential Facilities;
 2. The Automotive Fee Parking Commercial Activities ~~are only is~~ contained in a structured parking facility ~~of at least three stories that~~ replaces an existing at-grade parking facility;
 3. The new parking structure represents no more than a seventy-five percent (75%) increase of existing parking at the site;
 4. Automotive Fee Parking Commercial Activities at the site ~~is are~~ specifically designated by a city sponsored plan or study designed to promote a transit-oriented district as defined by the General Plan;
 5. Where feasible, the facility or facilities containing the Residential and/or Commercial Activities are adjacent to the principal street(s) and the Automotive Fee Parking Commercial Activities are is located behind and substantially visually obstructed from the principal street(s) by the Residential and/or Commercial Facility or Facilities; and
 6. The project ~~is shall be~~ consistent in all significant respects with the General Plan's goals, objectives, and policies ~~of the General Plan that~~ promote transit-oriented development and districts.

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Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

17.108.140 Fences, ~~dense hedges, barriers,~~ and similar freestanding walls.

17.108.150 Retaining walls.

17.108.140 Fences, ~~dense hedges, barriers,~~ and similar freestanding walls.

- A. Compliance with Oakland Traffic Code. Notwithstanding other provisions of the Oakland Planning Code, all fences, dense hedges, barriers, and similar freestanding walls shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurements at Intersections".
- B. Residential Zones and Residential Facilities. The provisions of this Section apply to all properties located in all Residential Zones, and to all properties located in any zone containing Residential Facilities.
1. Height. In the locations specified below, the height of any fence, ~~dense hedge, or barrier or similar freestanding wall,~~ but excluding retaining walls, shall not exceed the following:
 2. Materials. The following materials are restricted in constructing or rebuilding walls or fences:
 - a. Barbed wire, ~~or razor wire, or electrified wire~~ is not allowed to be used in fences.
- C. Commercial Zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones. The provisions of this Subsection apply to all properties located in all Commercial Zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones.
1. Height.
 - a. The maximum height allowed by right of any fence, dense hedge, barrier or similar freestanding wall that is visible from the adjacent public right-of-way or located within ten (10) feet of any abutting property located in a Residential Zone ~~is shall not exceed eight (8) feet.~~ A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of Small project design review pursuant to the Small project design review procedure in Chapter 17.136.
 - b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.
 2. Restricted Materials. In any location visible from the adjacent public right-of-way, no ~~barbed wire, or razor wire, or electrified wire~~ shall be permitted as part of or attached to fences or walls, or attached to the exterior of any building or similar facility.
 - a. Exceptions. Fences enclosing the following activities shall be exempted from the above limitation on ~~barbed wire, and razor wire, and electrified wire~~ where the Director of City Planning determines that trespassing could present a public safety hazard and/or disruption of public utility, transportation, or communication services:

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D. Industrial Zones. The provisions of this Subsection apply to all properties in all Industrial Zones.

1. Height.

- a. The maximum height allowed by right of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located within a Residential or Open Space Zone is shall be eight (8) feet. A fence higher than eight (8) feet but no more than twelve (12) ten (10) feet may only be permitted in these locations upon the granting of Small project design review pursuant to the Small project design review procedure in Chapter 17.136.

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Chapter 17.114 NONCONFORMING USES

Sections:

Article II - Nonconforming Activities

Article II Nonconforming Activities

17.114.050 Nonconforming Activity—Discontinuance.

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) the sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B, 3) an Automotive Servicing or Automotive Repair and Cleaning Activity in the D-BV Zones, or 4) Trucking and Truck-Related Industrial Activities and Recycling and Waste-Related Industrial Activities in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones without a T overlay, 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 Trucking and Truck-Related Industrial Activity or Recycling and Waste-Related Industrial Activity in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones without a T overlay discontinues active operation for more than ninety (90) 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. 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.

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Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article IV - Off-Street Loading Requirements

Article IV Off-Street Loading Requirements

- 17.116.130 Off-street loading—Civic Activities.
- 17.116.140 Off-street loading—Commercial Activities.
- 17.116.150 Off-street loading—Industrial Activities.
- 17.116.160 Off-street loading—Agricultural and Extractive Activities.

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.	Two (2) berths.*
300,000 square feet or more. Each additional 150,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040
C. All other Civic Activities.	No berths required.

*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:

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Commercial Activity and Floor Area of Facilities Occupied	Requirement
<p>A.</p> <p>General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service, 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:</p>	
<p>Less than 25,000 square feet.</p>	<p>No berths required.*</p>
<p>25,000—59,999 square feet.</p>	<p>One (1) berth.*</p>
<p>60,000—159,999 square feet.</p>	<p>Two (2) berths.*</p>
<p>160,000 square feet or more. Each additional 120,000 square feet or fraction of one-half or more thereof.</p>	<p>Three (3) One (1) additional berths.*</p>
<p>B.</p> <p>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, 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:</p>	
<p>Less than 40,000 square feet.</p>	<p>No berths required.*</p>
<p>40,000—59,999 square feet.</p>	<p>One (1) berth.*</p>

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Commercial Activity and Floor Area of Facilities Occupied	Requirement
60,000—159,999 square feet.	Two (2) berths.*
160,000 square feet or more. Each additional 160,000 square feet or fraction of one-half or more thereof.	Three (3) One (1) additional berths.*

*Off-street loading is not required in the CBD-P 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 10,000 square feet.	No berths required.*
10,000—24,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000 square feet or more. —99,999 square feet.	Three (3) berths.*
Each additional 150,000 square feet or fraction of one-half 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.

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Chapter 17.126 USABLE OPEN SPACE STANDARDS

Sections:

17.126.040 Private usable open space.

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 three (3) 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 spaces shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served.
- E. **Openness.** No more than fifty percent (50%) of the ground-level space shall be covered by a private balcony projecting from a higher story. Other than a private balcony, ~~There shall be no obstructions over ground-level space except for devices to enhance its usability, and except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story.~~ Above-ground-level space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

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Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

Sections:

- 17.134.020 Definition of Mmajor and Mminor Conditional Use Permits.
- 17.134.060 Appeal to Planning Commission—Minor Conditional Use Permits.
- 17.134.070 Appeal to Council—Major Conditional Use Permits.
- 17.134.080 Adherence to approved plans.
- 17.134.110 Conditional Use Permit related to planned unit development or subdivision.

17.134.020 Definition of Mmajor and Mminor 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:
 - b. Nonresidential projects involving more than twenty-five thousand (25,000) square feet of new floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, CIX-1A, CIX-1B, CIX-1C, CIX-1D, S-2, S-15, 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. Five (5) Three (3) or more dwelling units in the RM-2 Zone;
 - ii. Seven (7) or more dwelling units in the RM-3 Zone; or
 - iii. Nine (9) or more dwelling units in the RM-4 Zone.
 - d. Residential projects requiring a Conditional Use Permit to exceed the basic or permitted density resulting in nine (9) seven (7) or more dwelling units in the RU or CBD-R, R-80, C-40, C-45, S-1, or S-2 Zones.
 - e. Large-Scale Developments. Any development 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; or the CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones (when not combined with the T overlay); and results in more than one hundred thousand (100,000) square feet of new floor area.
- B. **Minor Conditional Use Permit.** A Minor Conditional Use Permit is a Conditional Use Permit which does not involve any of the purposes listed in Subsection A. of this Section.

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17.134.060 Appeal to Planning Commission—Minor Conditional Use Permits.

17.134.070 Appeal to Council—Major Conditional Use Permits.

17.134.080 Adherence to approved plans.

A Conditional Use Permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate two (2) years ~~one year~~ from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. 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 extension period has also expired.

17.134.110 Conditional Use Permit related to planned unit development or subdivision.

Whenever a Conditional Use Permit is required for a proposal also requiring a planned unit development permit, application for the use permit shall be included in the application for the planned unit development permit and shall be processed and considered as part of same. Whenever a Conditional Use Permit is required within a proposed subdivision, the application for the use permit may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, and may be processed and considered therewith. In either case, however, the reviewing officer or body shall, in considering such a use permit, determine whether the proposal conforms to all the applicable use permit criteria.

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Chapter 17.136 DESIGN REVIEW PROCEDURE

Sections:

17.136.025 Exemptions from design review.

17.136.030 Small project design review.

17.136.038 Special project design review.

17.136.040 Regular design review.

17.136.072 Special regulations for demolition or removal of CIX-1A zoned properties.

17.136.075 ~~Special r~~Regulations for demolition or removal of CIX-1A-zoned properties, ~~D~~designated ~~H~~historic ~~P~~roperties, and ~~P~~otentially ~~D~~esignated ~~H~~historic ~~P~~roperties.

17.136.080 Appeal to Planning Commission—Regular design review.

17.136.090 Appeal to City Council—Regular design review.

17.136.025 Exemptions from design review.

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

1. Additions or Alterations.

c. After notice to the Director of City Planning, demolition or removal of either:

ii) Structures declared to be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties, or located in the CIX-1A Zone, as specified in Sections 17.136.072 and 17.136.075.

17.136.030 Small project design review.

A. Applicability. "Small Project Design Review" shall apply to proposals that do not qualify for an exemption from design review as set forth in Section 17.136.025, or require Special Project Design Review as set forth in Section 17.136.038, or Regular Design Review as either determined by the Director of City Planning or as set forth in ~~Section 17.136.040 in the Oakland Planning Code.~~ "Small Project Design Review" proposals shall meet all of the following provisions:

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

1. Additions or Alterations.

a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;

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- b. Except as otherwise specified in Sections 17.136.025, 17.136.038, 17.136.040, 17.136.072, and 17.136.075, demolition or removal of structures not located in the CIX-1A Zone or involving a Designated Historic Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;
- C. Procedures for Consideration—Small Project Design Review. The Director of City Planning may, at his or her discretion, consider an application for Small project design review according to the following Three-Track process, or if additional consideration is required, determine that the proposal shall be reviewed according to the Regular design review procedure in Section 17.136.040.
 3. Track Three Procedure—Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet, ~~in Floor Area or Footprint to a One or Two Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the HBX Zones, not including allowed projections above the height limits listed in Section 17.108.030.~~

17.136.038 Special project design review.

- A. Applicability. "Special Project Design Review" shall apply to Nonresidential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for design review exemption as set forth in Section 17.136.025 or Small project design review as set forth in Section 17.136.030; or require Regular Design Review as either determined by the Director of City Planning or as set forth in the Oakland Planning Code, in Section 17.136.075 and Chapter 17.73.

"Special Project Design Review" proposals shall meet all of the following provisions:

3. The proposal is determined exempt from the California Environmental Quality Act (CEQA); and
4. The proposal does not involve the demolition or removal of structures on a site in the CIX-1A Zone as specified in Section 17.136.072, 17.136.075, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080.

17.136.040 Regular design review.

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

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12. Demolition or removal of any Designated Historic Property (DHP), Potential Designated Historic Property (PDHP), or structure in the CIX-1A Zone pursuant to Sections 17.136.072 and 17.136.075.
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
 1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for Regular design review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in more than twenty-five thousand (25,000) square feet of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, CIX-1A, CIX-1B, CIX-1C, CIX-1D, S-2, S-15, D-LM, or D-CO, or S-15-Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

17.136.072 Special regulations for demolition or removal of CIX-1A zoned properties.

- A. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone that is not a Designated Historic Property or Potentially Designated Historic Property may only be granted if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:
 1. The applicant demonstrates that:
 - i. The existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return; or
 - ii. The applicant demonstrates that the structure is economically infeasible to rehabilitate on its present site.

17.136.075 Special Regulations for demolition or removal of CIX-1A zoned properties, Designated Historic Properties, and Potentially Designated Historic Properties.

- C. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone, or an S-7 or S-20 Zone, or an Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:
 1. For the demolition of structures in the CIX-1A Zone, or contributors to an S-7 Zone, S-20 Zone, or API:
 - b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic structure, or existing structure in the CIX-1A Zone, into the proposed development.

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Chapter 17.142 MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS ^[42]

Sections:

Article II - Mini-Lot Developments

Article II Mini-Lot Developments

17.142.012 Basic provisions for Mini-Lot Developments.

17.142.012 Basic provisions for Mini-Lot Developments.

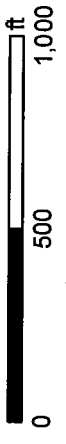
Subject to the provisions of this article, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a Mini-Lot Development, and floor area, parking, and other facilities may be located within said development 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:

2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.
 - a. ~~For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum setback requirements for the total development may be reduced to be the same as those that may be allowed 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. ~~That e~~Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is less than four thousand (4,000) 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.

ATTACHMENT B



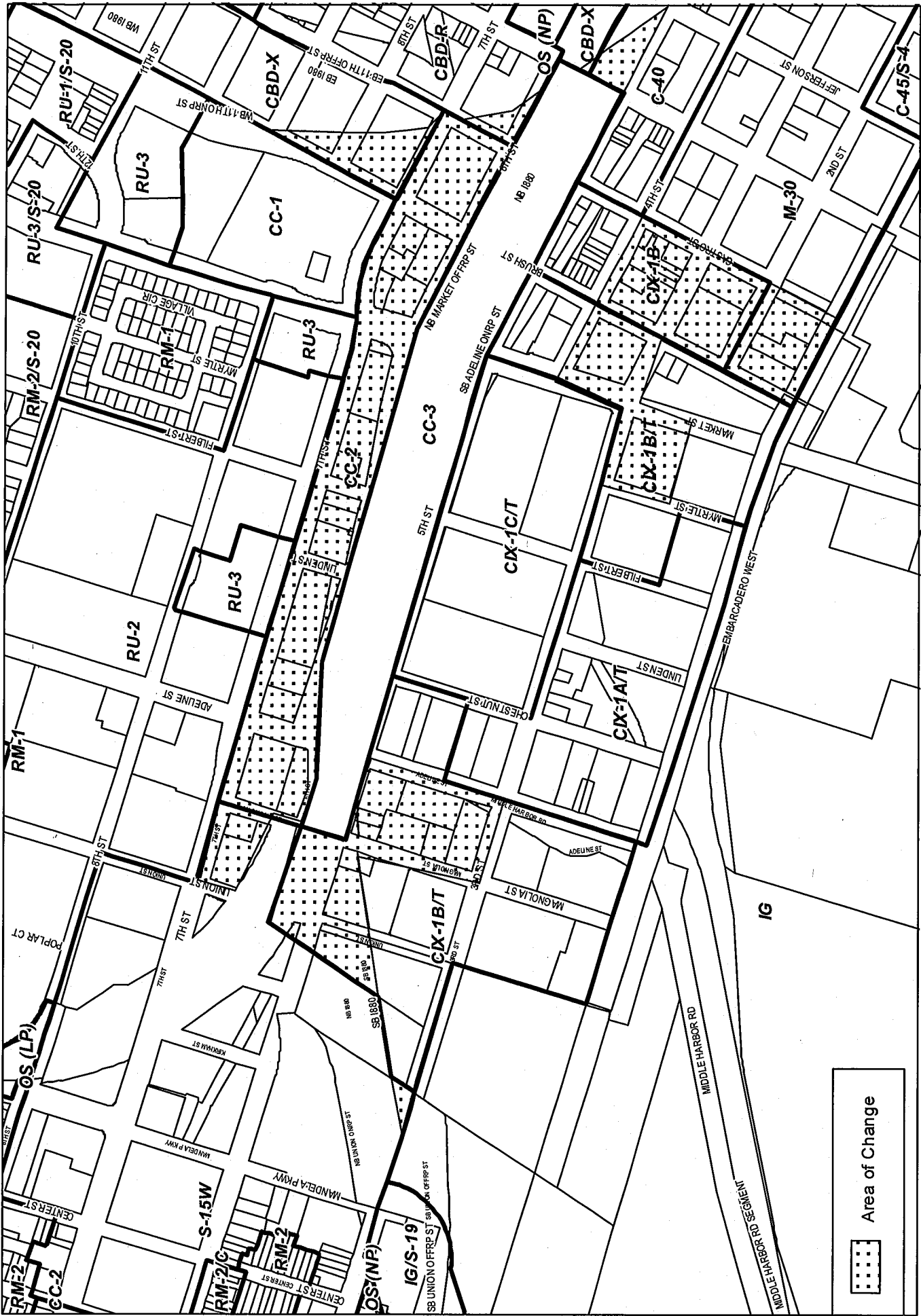
Planning and Building Department, October 2016



Zoning Update: W Oakland BART

Existing Zoning





 Area of Change

Zoning Update: W Oakland BART

Proposed Zoning



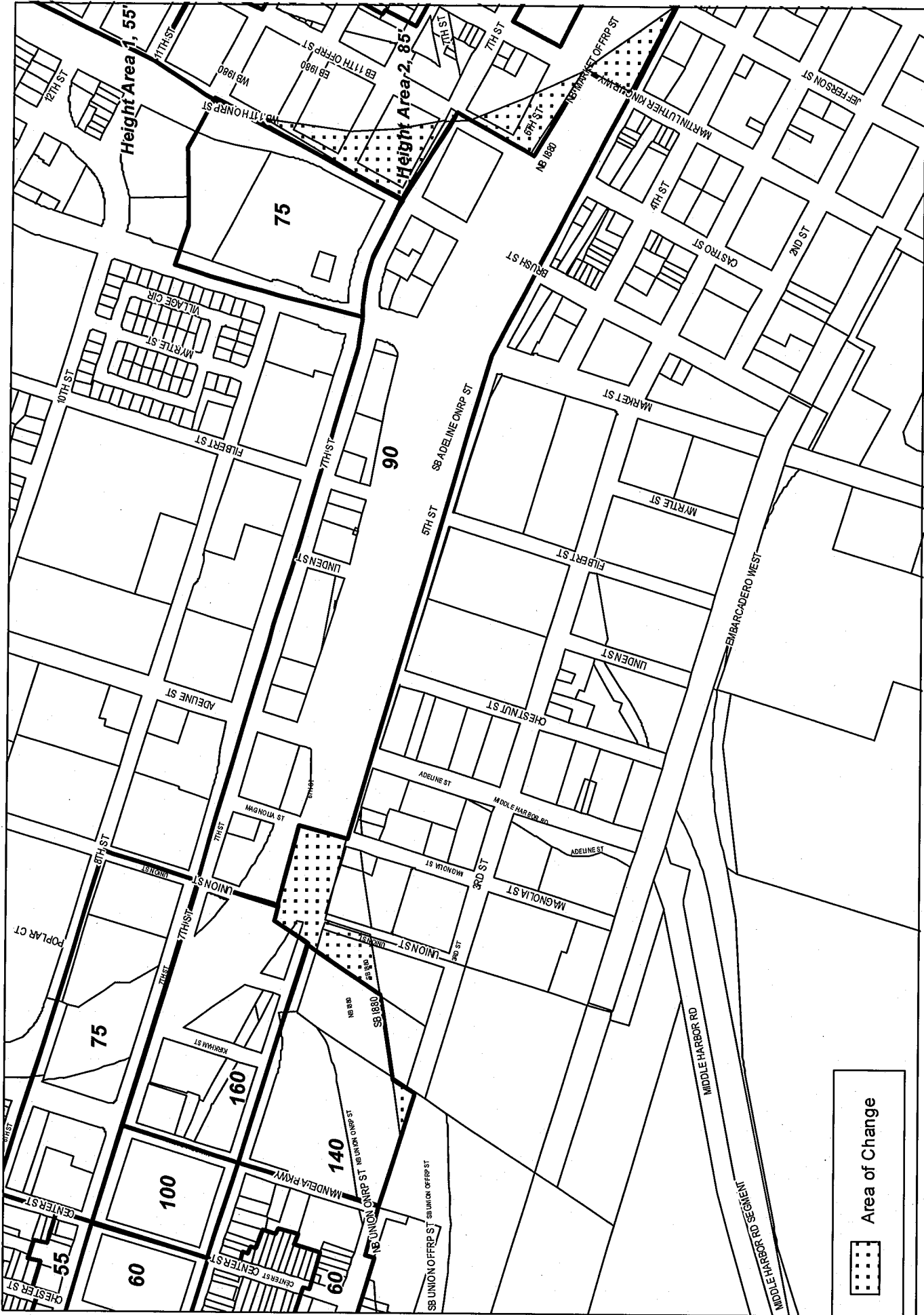
Planning and Building Department, October 2016



Zoning Update: W Oakland BART


Existing Height Areas





Zoning Update: W Oakland BART

Proposed Height Areas

 Area of Change

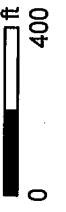


ATTACHMENT C



Zoning Update: 8th & Mandela Corridors

Existing Zoning



Planning and Building Department, October 2016



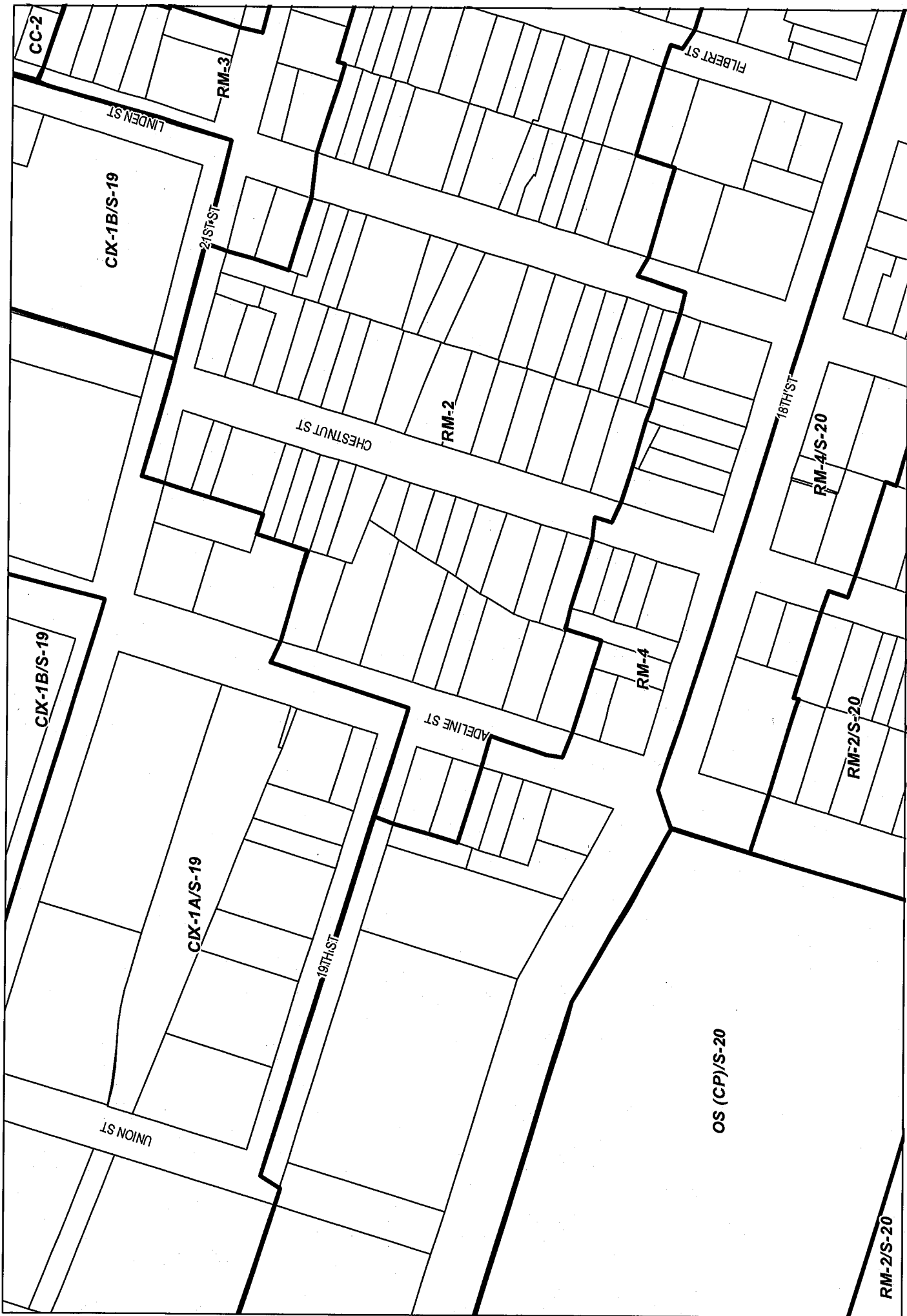
Area of Change



Zoning Update: 8th & Mandela Corridors
Proposed Zoning



ATTACHMENT D



Planning and Building Department, October 2016

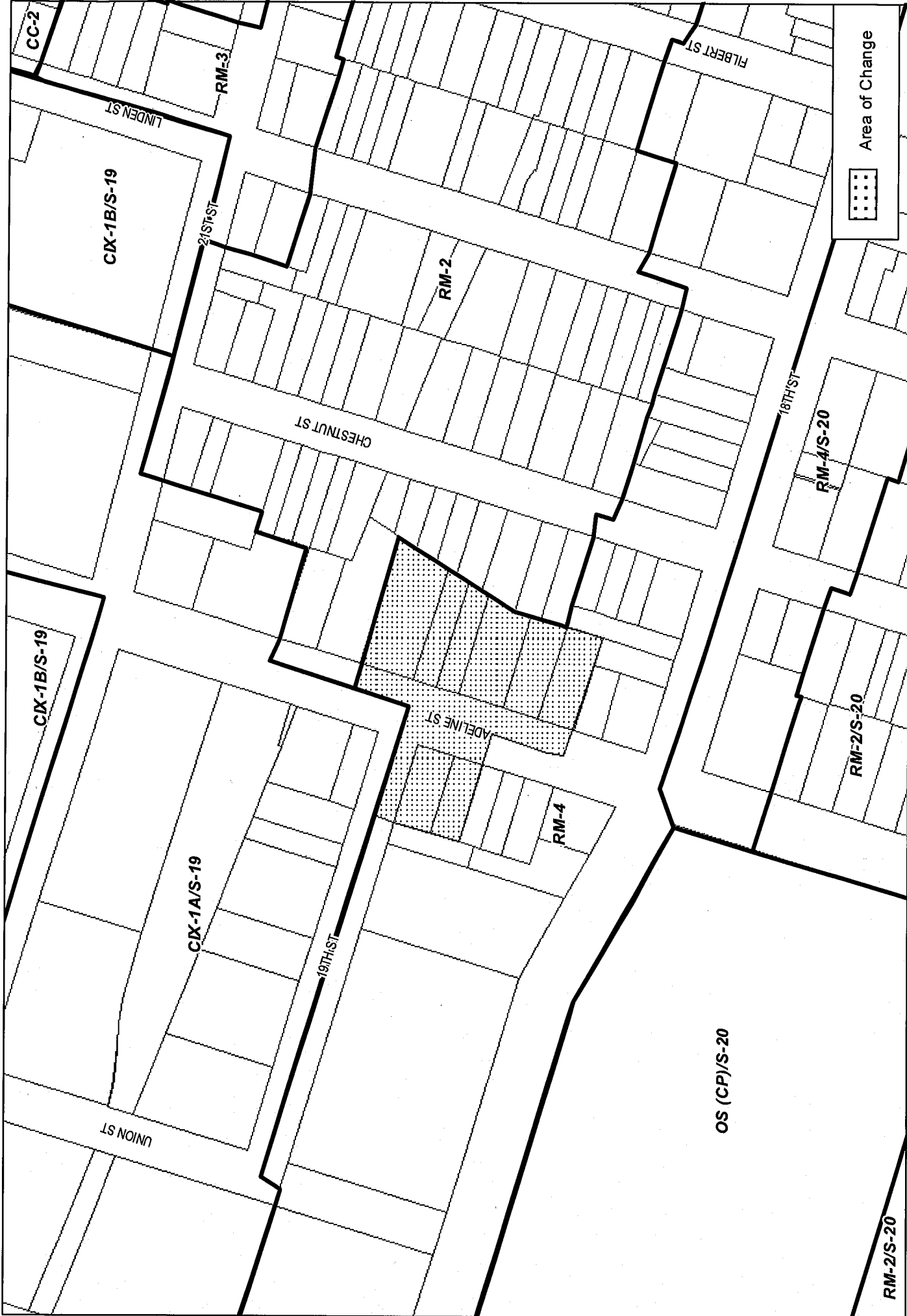


Zoning Update: Adeline Near 18th St

Existing Zoning



CITY OF OAKLAND



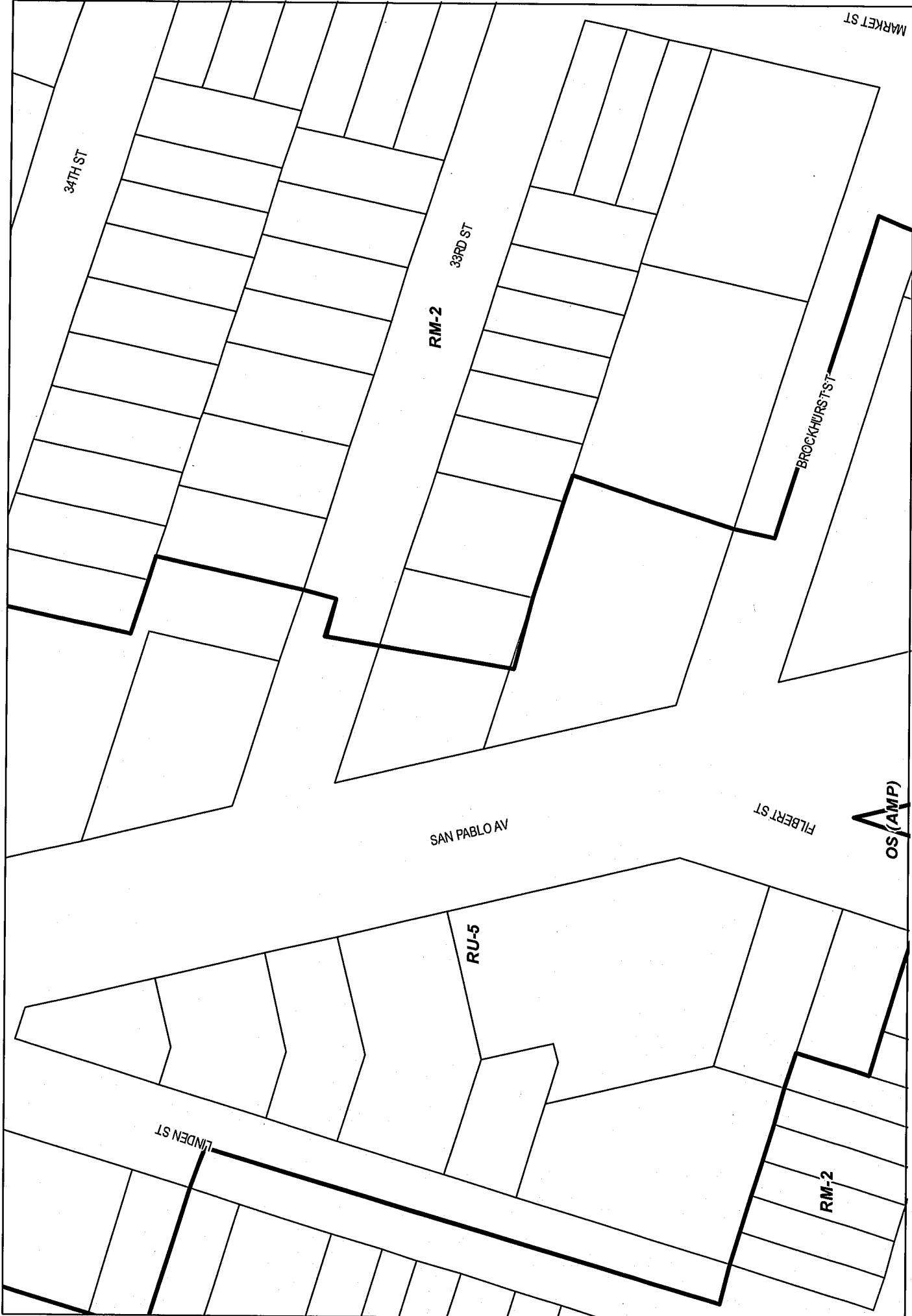
Planning and Building Department October 2016

Zoning Update: Adeline Near 18th St

Proposed Zoning



ATTACHMENT E



Planning and Building Department October 2016



Zoning Update: San Pablo at 33rd St

Existing Zoning

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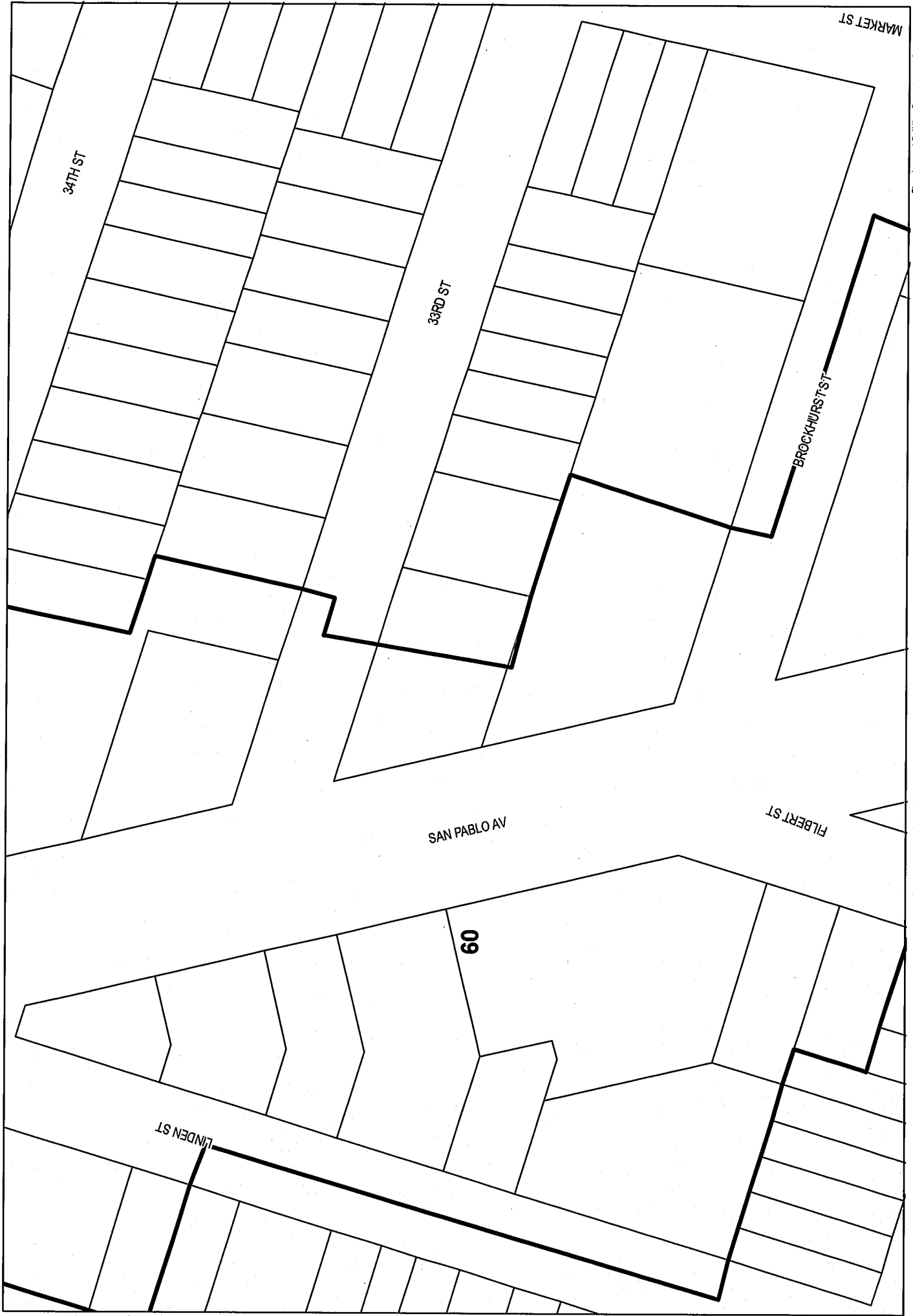


Planning and Building Department October 2016

Zoning Update: San Pablo at 33rd St

Proposed Zoning





MARKET ST

34TH ST

33RD ST

BROCKHURST ST

SAN PABLO AV

FILBERT ST

LINDEN ST

60

Planning and Building Department October 2016



Zoning Update: San Pablo at 33rd St

Existing Height Limit Area





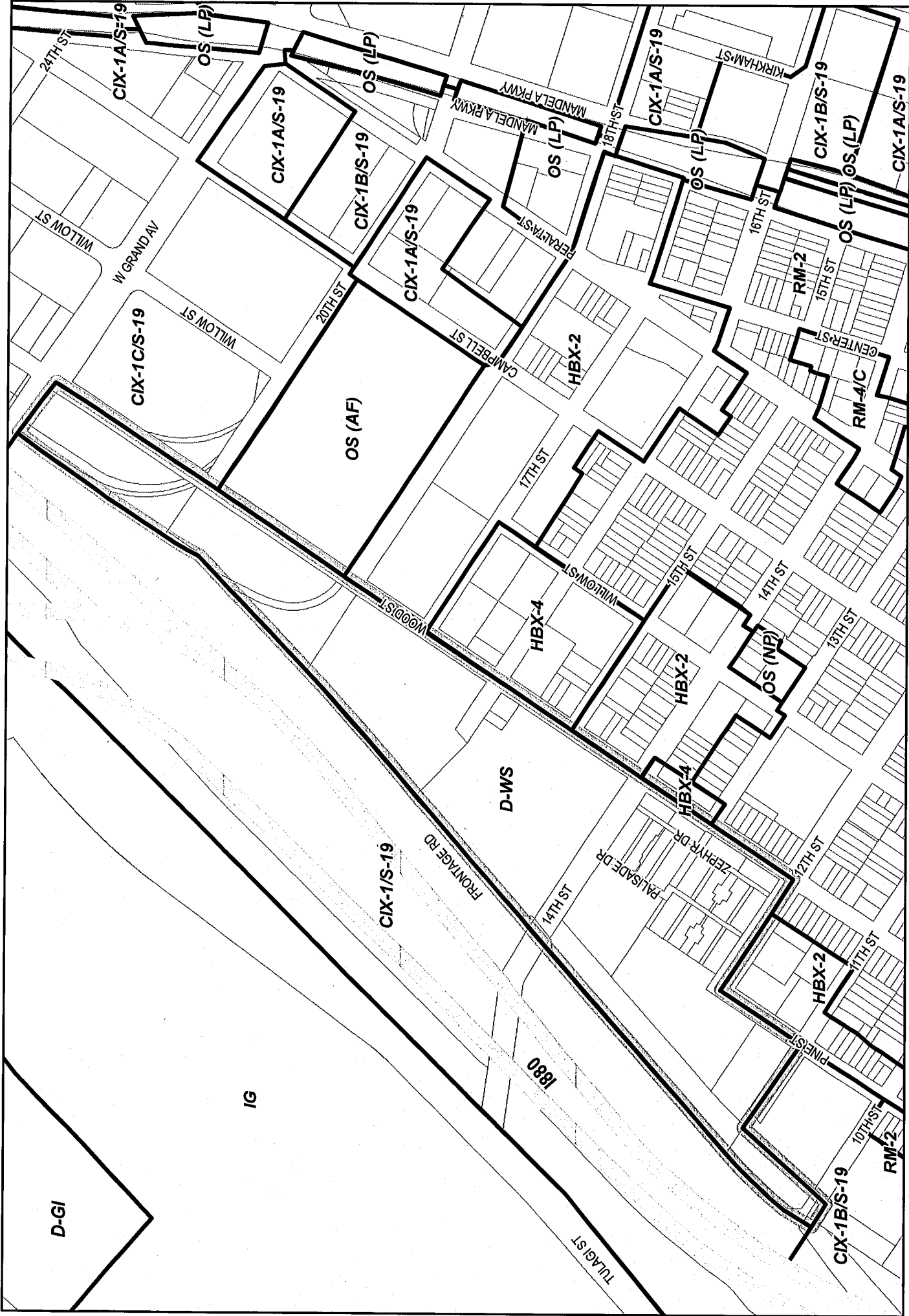
Planning and Building Department October 2016

Zoning Update: San Pablo at 33rd St

Proposed Height Limit Area



ATTACHMENT F



Planning and Building Department January 2017

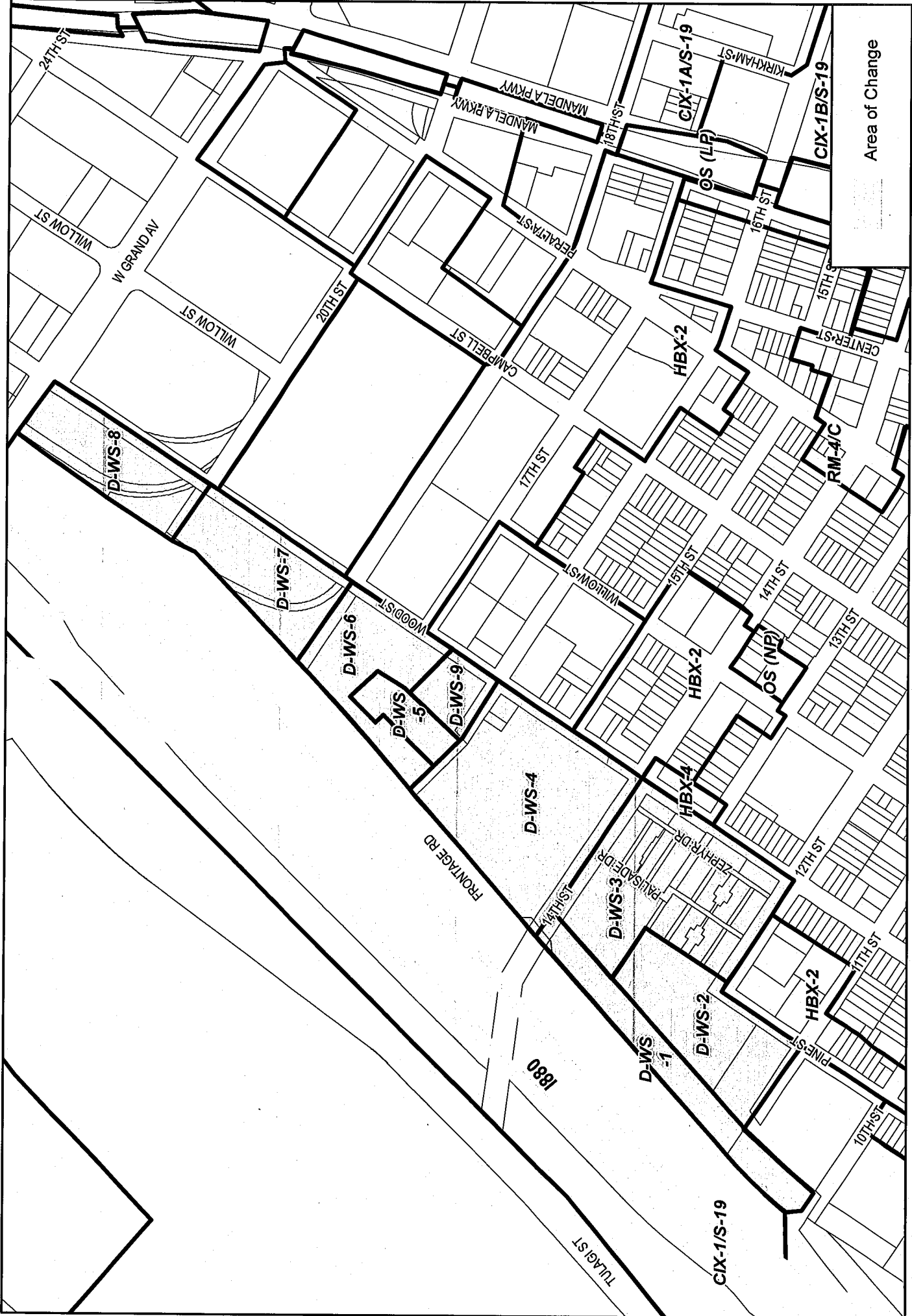


Wood Street D-WS Zoning District

Existing Zoning



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Area of Change

Planning and Building Department, January 2017



Wood Street D-WS Zoning Districts

Proposed Zoning

