

# EXHIBIT F

## Minor Code Changes to S and D Groups

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

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### Chapter 17.92 S-11 SITE DEVELOPMENT AND DESIGN REVIEW COMBINING ZONE REGULATIONS

#### 17.92.060 Limitations on residential density.

A. Overall Density. The maximum overall number of dwelling units within any development shall be as prescribed in the applicable base zone, ~~whichever of the following is applicable and lowest:~~

~~1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in Subsection A. of Section 17.142.110 and the first three sentences of Subsection B. of Section 17.142.110.~~

~~2. In the case of those properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units, the number of dwelling units indicated by that map.~~

~~3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:~~

~~a. Dividing the street frontage of the property by the minimum lot width mean requirement in the respective Residential Zone; and~~

~~b. Counting the number of legally platted lots within the proposed development area; and~~

~~c. Analyzing the project under the Regular Design Review process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.~~

~~One through three above shall not be deemed to preclude such additional Accessory Dwelling Units in the S-11 Zone as may be approved in accordance with the standards, criteria and conditions in Section 17.103.080 and Chapter 17.88.~~

B. Number of Units Per Unsubdivided Lot. An unsubdivided lot may not have more dwelling units when subdivided than are permitted per lot by the applicable base ~~basic~~-zone.

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

**Sections:**

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

**Table 17.97.04 Height, Floor Area Ratio (FAR), Density, and Open Space**

| Regulation  | Height Area |        |        |  |                   |                  |         |                    |         |                     | Additional Regulations |
|---|-------------|--------|--------|--|-------------------|------------------|---------|--------------------|---------|---------------------|------------------------|
|   | 35          | 45     | 55     | <del>60-65</del>   | 75                | <del>90-95</del> | 100     | <del>120-125</del> | 140     | <del>160-175</del>  |                        |
| <b>Maximum Height</b>   | 35 ft.      | 45 ft. | 55 ft. | 60 ft.<br>65 ft.<br><br>75 ft. if on BART-owned parcel subject to AB2923 (2018). | 75 ft.            | 95 ft.           | 100 ft. | 120 ft.<br>125 ft. | 140 ft. | 160 ft.<br>175 ft.  | 1, 2                   |
| <b>Height Minimum</b>   |             |        |        |  |                   |                  |         |                    |         |                     |                        |
| Permitted height minimum  | N/A         | N/A    | 35 ft. | 35 ft.   | <del>35 ft.</del> | 35 ft.           | 35 ft.  | 35 ft.             | 35 ft.  | 35 ft.              | 3                      |
| Conditionally permitted height minimum  | N/A         | N/A    | 25 ft. | 25 ft.   | 25 ft.            | 25 ft.           | 25 ft.  | 25 ft.             | 25 ft.  | 25 ft.              | 3                      |
| <b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b> |             |        |        |  |                   |                  |         |                    |         |                     |                        |
| Regular Dwelling Units  | 550         | 450    | 375    | 375  | 275               | 225              | 225     | 225                | 225     | 225                 | 4, 5                   |
| Rooming Units   | 275         | 225    | 185    | 185  | <del>135</del>    | 110              | 110     | no                 | no      | no                  | 4, 5                   |
| Efficiency Dwelling Units   | 275         | 225    | 185    | 185  | <del>135</del>    | 110              | 110     | no                 | no      | no                  | 4, 5                   |
| <b>Maximum Nonresidential FAR</b>   | 2.0         | 2.5    | 3.0    | 3.0  | <del>4.0</del>    | 4.5              | 5.0     | 5.0                | 5.0     | 5.0                 | 4, 5                   |
| <b>Maximum number of stories (not including underground construction)</b>               | 3           | 4      | 5      | <del>5</del><br>6<br>7 stories if on BART-owned                                  | <del>7</del>      | 8                | 9       | 11                 | 13      | <del>15</del><br>16 |                        |

|   |     |     |     |  |                |     |    |    |    |    |    |   |
|---|-----|-----|-----|--|----------------|-----|----|----|----|----|----|---|
|   |     |     |     | parcel<br>subject<br>to<br>AB2923<br>(2018). |                |     |    |    |    |    |    |   |
| <b>Minimum Usable Open Space</b>  |     |     |     |  |                |     |    |    |    |    |    |   |
| Group usable<br>open space per<br>Regular<br>Dwelling Unit  | 150 | 150 | 150 | 150  | <del>400</del> | 100 | 75 | 75 | 75 | 75 | 75 | 6 |
| Group usable<br>open space per<br>Regular<br>Dwelling Unit<br>when private<br>open space<br>substituted       | 30  | 30  | 30  | 30   | <del>20</del>  | 20  | 15 | 15 | 15 | 15 | 15 | 6 |
| Group usable<br>open space per<br>Rooming Unit  | 75  | 75  | 75  | 75   | <del>50</del>  | 50  | 38 | 38 | 38 | 38 | 38 | 6 |
| Group usable<br>open space per<br>Rooming Unit<br>when private<br>open space is<br>substituted                | 15  | 15  | 15  | 15   | <del>40</del>  | 10  | 8  | 8  | 8  | 8  | 8  | 6 |
| Group usable<br>open space per<br>Efficiency<br>Dwelling Unit   | 75  | 75  | 75  | 75   | <del>50</del>  | 50  | 38 | 38 | 38 | 38 | 38 | 6 |
| Group usable<br>open space per<br>Efficiency<br>Dwelling Unit<br>when private<br>open space is<br>substituted | 15  | 15  | 15  | 15   | <del>40</del>  | 10  | 8  | 8  | 8  | 8  | 8  | 6 |

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

**Sections:**

17.101A.020 - Permitted and conditionally permitted activities.

**17.101A.020 Permitted and conditionally permitted activities.**

**Table 17.101A.01: Permitted and Conditionally Permitted Activities**

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

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

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

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

**Chapter 17.101B D-OTN OAK TO NINTH DISTRICT ZONE REGULATIONS**

**17.101B.020 Permitted and conditionally permitted activities.**

**Table 17.101B.01: Permitted and Conditionally Permitted Activities**

| Activities                           | Zones |        | Additional Regulations |
|--------------------------------------|-------|--------|------------------------|
|                                      | D-OTN | OS-RSP |                        |
| <b>Commercial Activities</b>         |       |        |                        |
| Fast-Food Restaurant                 | C     | —      | 17.103.030 and 8.09    |
| <del>A. Vehicular Food Vending</del> | —     | —      |                        |

**Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS**

**17.101C.030 - Permitted and conditionally permitted activities.**

**Table 17.101C.01: Permitted and Conditionally Permitted Activities**

| Activities                          | Zones                 |                       |                       |                       | Combining Zone*       | Additional Regulations |
|-------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|
|                                     | D-BV-1                | D-BV-2                | D-BV-3                | D-BV-4                | N*                    |                        |
| <b>Residential Activities</b>       |                       |                       |                       |                       |                       |                        |
| Permanent                           | C(L2)(L3)             | P(L3)(L4)             | P(L3)(L5)             | P(L3)(L6)             | P(L3)(L6)             |                        |
| Residential Care                    | C(L1)(L2)(L3)         | P(L1)(L3)(L4)         | P(L1)(L3)(L5)         | P(L1)(L3)(L6)         | P(L1)(L3)(L6)         | 17.103.010             |
| Supportive Housing                  | C(L2)(L3)             | P(L3)(L4)             | P(L3)(L5)             | P(L3)(L6)             | P(L3)(L6)             |                        |
| Transitional Housing                | C(L2)(L3)             | P(L3)(L4)             | P(L3)(L5)             | P(L3)(L6)             | P(L3)(L6)             |                        |
| Emergency Shelter                   | —<br><u>P(L1)(L7)</u> | —<br><u>P(L1)(L7)</u> | —<br><u>P(L1)(L7)</u> | —<br><u>P(L1)(L7)</u> | —<br><u>P(L1)(L7)</u> | 17.103.010             |
| Semi-Transient                      | —                     | —                     | —                     | —                     | —                     |                        |
| Bed and Breakfast                   | —                     | C                     | C                     | C                     | C                     | 17.10.125              |
| <b>Civic Activities</b>             |                       |                       |                       |                       |                       |                        |
| Limited Child-Care Activities       | P(L4)                 | <del>P(L4)(L6)</del>  | <del>P(L4)(L5)</del>  | P                     | P(L6)                 |                        |
| <b>Commercial Activities</b>        |                       |                       |                       |                       |                       |                        |
| General Food Sales                  | P(L11)(L12)           | P                     | P                     | P                     | P                     |                        |
| Full Service Restaurants            | P(L12)                | P                     | P                     | P                     | P                     |                        |
| Limited Service Restaurant and Cafe | P(L12)                | P                     | P                     | P                     | P                     |                        |

| Activities                                    | Zones                     |            |        |             | Combining Zone* | Additional Regulations    |
|---|---------------------------|------------|--------|-------------|-----------------|---------------------------|
|   | D-BV-1                    | D-BV-2     | D-BV-3 | D-BV-4      | N*              |                           |
| Fast-Food Restaurant                          | C(L12)                    | C          | C      | C           | C               | 17.103.030 and 8.09       |
| Convenience Market                            | —                         | C          | C      | C           | —               | 17.103.030                |
| Alcoholic Beverage Sales                      | C(L12)                    | C          | C      | C           | C               | 17.103.030 and 17.114.030 |
| Mechanical or Electronic Games                | —                         | —          | —      | —           | —               |                           |
| Medical Service                               | <del>P(L8)</del><br>C(L4) | P(L6)      | P(L5)  | P           | P(L6)           |                           |
| General Retail Sales                          | P(L12)                    | P          | P      | P           | P               |                           |
| Large-Scale Combined Retail and Grocery Sales | —                         | —          | —      | —           | —               |                           |
| Consumer Service                              | C(L11)(L13)               | P(L8)(L13) | P(L13) | P(L13)(L14) | P               |                           |
| Consultative and Financial Service            | P(L4)                     | P(L6)      | P      | P           | P(L5)           |                           |
| Check Cashier and Check Cashing               | —                         | —          | —      | —           | —               |                           |
| Consumer Cleaning and Repair Service          | <del>P(L14)(L8)</del>     | P(L14)     | P(L14) | P(L14)      | P(L5)           |                           |
| Consumer Dry Cleaning Plant                   | —                         | —          | —      | —           | --              |                           |
| Group Assembly                                | C(L4)(L12)(L15)           | C(L15)     | C(L15) | C(L15)      | C(L15)          |                           |

| Activities   | Zones                |        |        |             | Combining Zone* | Additional Regulations |
|--|----------------------|--------|--------|-------------|-----------------|------------------------|
|  | D-BV-1               | D-BV-2 | D-BV-3 | D-BV-4      | N*              |                        |
| Personal Instruction and Improvement Services                | P(L8)                | P(L8)  | P      | P           | P(L5)           |                        |
| Administrative   | P(L4)                | P(L6)  | P(L5)  | P           | P(L6)           |                        |
| Business, Communication, and Media Services                  | <del>P(L8)(L4)</del> | P(L8)  | P      | P           | P(L5)           |                        |
| Broadcasting and Recording Services                          | <del>P(L8)(L4)</del> | P(L6)  | P(L5)  | P           | P(L6)           |                        |
| Research Service   | <del>P(L4)</del>     | P(L6)  | P(L5)  | P           | P(L6)           |                        |
| General Wholesale Sales                                      | —                    | —      | —      | —           | —               |                        |
| Transient Habitation   | C(L2)                | C      | C      | —           | C               | 17.103.050             |
| Building Material Sales                                      | —                    | —      | —      | —           | —               |                        |
| Automobile and Other Light Vehicle Sales and Rental          | C(L12)(L16)          | C(L16) | C(L16) | C(L16)      | C(L16)          |                        |
| Automobile and Other Light Vehicle Gas Station and Servicing | —(L17)               | —(L17) | C(L5)  | —(L17)      | —(L17)          |                        |
| Automobile and Other Light Vehicle Repair and Cleaning       | —(L17)               | —(L17) | C(L5)  | —(L17)(L18) | —(L17)          |                        |
| Taxi and Light Fleet-Based Services                          | —                    | —      | —      | —           | —               |                        |



| Activities             | Zones  |        |        |        | Combining Zone* | Additional Regulations |
|------------------------|--------|--------|--------|--------|-----------------|------------------------|
|                        | D-BV-1 | D-BV-2 | D-BV-3 | D-BV-4 | N*              |                        |
| Automotive Fee Parking | P(L19) | P(L19) | P(L19) | P(L19) | P(L19)          |                        |
| Animal Boarding        | —      | —      | —      | C      | —               |                        |
| Animal Care            | —      | C(L10) | P(L5)  | P      | P(L6)           |                        |
| Undertaking Service    | —      | —      | —      | —      | —               |                        |

\*If the N Combining Zone, the N regulations supersede the primary zone.

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

**L1.** Except in the D-BV-1 Zone, Residential Care is permitted if located in a One-Family Dwelling Residential Facility. Residential Care is conditionally permitted if located anywhere in the D-BV-1 Zone; or if located anywhere other than a One-Family Dwelling Residential Facility in the D-BV-2, D-BV-3, or D-BV-4 Zones (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.

**L4.** These activities are not permitted if located on the ground floor of a building and within ~~thirty (30) fifty (50) feet of the principal street frontage; any street-abutting property line;~~ incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this restriction.

**L5.** If located on the ground floor of a building and within ~~thirty (30) sixty (60) feet~~ from any street-abutting property line facing Broadway, 27<sup>th</sup> Street, or Piedmont Avenue, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these ground-floor activities must also meet each of the following additional criteria:

- ~~a~~4. The proposal will not detract from the character desired for the area;
- ~~b~~2. The proposal will not impair a generally continuous wall of building facades;
- ~~c~~3. The proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
- ~~d~~4. The proposal will not interfere with the movement of people along an important pedestrian street; and

e5. The proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

**L6.** These activities are prohibited if located on the ground floor of a building and within thirty (30) ~~sixty (60)~~ feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

**L7.** Emergency Shelters are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities; and within the portion of the Webster Street area described in Section 17.103.015(A)(3) and subject to the development standards in Sections 17.103.010 and 17.103.015(B); prohibited if located elsewhere in the zone.

**L8.** These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a ~~street-fronting building~~ and within thirty (30) feet of the principal street frontage. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground-floor activities must also meet each of the additional criteria contained in L5.

**L10.** These activities are prohibited if located on the ground floor of a building and within thirty (30) ~~sixty (60)~~ feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction. If these activities are located above the ground floor or beyond thirty (30) ~~sixty (60)~~ feet of Broadway, they are only permitted upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure); and shall conform to the CUP criteria contained in Section 17.134.050.

**L13.** See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

**L23.** Community Gardens are permitted ~~outright~~ if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

#### **17.101C.040 - Permitted and conditionally permitted facilities.**

#### **Table 17.101C.02: Permitted and Conditionally Permitted Facilities**

| Facilities                    | Base Zones |            |               |            | Combining Zone* | Additional Regulations          |
|-------------------------------|------------|------------|---------------|------------|-----------------|---------------------------------|
|                               | D-BV-1     | D-BV-2     | D-BV-3        | D-BV-4     |                 |                                 |
| <b>Residential Facilities</b> |            |            |               |            |                 |                                 |
| One-Family Dwelling           | —(L1)      | —(L1)      | —(L1)         | —(L1)      | —(L1)           | 17.103.080                      |
| Two- to Four-Family Dwelling  | —(L1)      | —(L1)      | —(L1)         | P(L3)(L11) | —(L1)           | 17.103.080                      |
| Multifamily Dwelling          | C(L2)(L11) | P(L3)(L11) | P(L4)(L11)    | P(L11)     | P(L5)(L11)      | 17.103.080                      |
| Rooming House                 | C(L2)      | P(L3)      | P(L4)         | P          | P(L5)           |                                 |
| Micro Living Quarters         | —          | C(L3)(L7)  | C(L4)(L6)(L7) | —          | —               | 17.101C.055                     |
| Vehicular                     | C(L2)      | C(L3)      | C(L4)         | P          | P(L5)           | <u>17.103.080</u><br>17.103.085 |

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

#### Limitations on Table 17.101C.02:

**L4.** Construction of new ground-floor Residential Facilities within thirty (30) sixty (60) feet from any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

**L5.** Construction of new ground-floor Residential Facilities within thirty (30) sixty (60) feet from any street-abutting property line facing Broadway is prohibited. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building ~~in stories above the ground floor~~ are exempt from this restriction.

#### 17.101C.050 - Property development standards.

A. **Zone Specific Standards.** Table 17.101C.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

#### Table 17.101C.03: Property Development Standards

| Development Standards  | Base Zones  |             |             |             | Combining Zone* | Additional Regulations |
|--|-------------|-------------|-------------|-------------|-----------------|------------------------|
|  | D-BV-1      | D-BV-2      | D-BV-3      | D-BV-4      |                 |                        |
| Minimum/Maximum Setbacks   |             |             |             |             |                 |                        |
| Minimum front  | 0 ft.       | 0 ft.       | 0 ft.       | 0 ft.       | 0-4 ft.         | 2, 3, 14               |
| Maximum front  | 5 ft.       | 5 ft.       | 10 ft.      | N/A         | 5 ft.           | 4, 14                  |
| Minimum interior side  | 0 ft.       | 0 ft.       | 0 ft.       | 0 ft.       | 0 ft.           | 5, 6, 14               |
| Minimum street side  | 0 ft.       | 0 ft.       | 0 ft.       | 0 ft.       | 0 ft.           | 7, 14                  |
| Rear (Residential Facilities)  | 10/15 ft.   | 10/15 ft.   | 10/15 ft.   | 10/15 ft.   | 10/15 ft.       | 8, 9, 14               |
| Rear (Nonresidential Facilities)   | 0/10/15 ft. | 0/10/15 ft. | 0/10/15 ft. | 0/10/15 ft. | 0/10/15 ft.     | 9                      |
| Design Regulations   |             |             |             |             |                 |                        |
| Minimum <u>façade transparency of ground floor Nonresidential Facilities ground floor nonresidential facade transparency</u> | 55%         | 55%         | 55%         | N/A         | 55%             | 10                     |

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

**Additional Regulations for Table 17.101C.03:**

5. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, a side setback of six (6) feet is required. ~~the setback of the abutting portion of its side lot line is ten (10) feet.~~ In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts an interior side lot line of any lot located in a side yard of an RU-1 or RU-2 Zone, ~~let,~~ a side setback of four (4) feet is required (see Illustration for Table 17.101C.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

7. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear ten (10) feet ~~twenty (20) feet~~ of the reversed corner lot is one-half (½) of the minimum front yard required on the key lot, but shall not be required to exceed four (4) feet in width if it would reduce to less than twenty-five (25) feet the

buildable width of any corner lot (see Illustration for Table 17.101C.03 [Additional Regulation 7], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

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

B. **Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.101C.04 below prescribes height, Floor Area Ratio (FAR), density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified Height Area.

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

| Regulation  | Height Area |        |        |                        |                                     |            |                         |                         | Additional Regulations |
|---|-------------|--------|--------|------------------------|-------------------------------------|------------|-------------------------|-------------------------|------------------------|
|   | 45          | 45*    | 65     | <u>95</u><br><u>85</u> | <u>95</u> <u>85</u> /<br><u>135</u> | 135        | 135/20<br>0             | 250                     |                        |
| <b>Maximum Height</b>   |             |        |        |                        |                                     |            |                         |                         |                        |
| Building Base Max. Height   | N/A         | N/A    | N/A    | N/A                    | N/A<br>/65 ft.                      | 65 ft.     | 65/ <u>95</u><br>85-ft. | <u>95 ft.</u><br>85-ft. | 1, 2, 3                |
| Maximum Height Total  | 45 ft.      | 45 ft. | 65 ft. | <u>95</u><br>85 ft.    | <u>95</u> <u>85</u><br>/135<br>ft.  | 135<br>ft. | 135/20<br>0 ft.         | 250 ft.                 | 1, 2, 3                |
| Maximum number of stories<br>(not including underground<br>construction)                            | 4           | 4      | 6      | 8                      | 8/13                                | 13         | 13/19                   | 24                      | 3                      |
| <b>Minimum Height</b>   |             |        |        |                        |                                     |            |                         |                         |                        |
| Minimum number of stories<br>(not including underground<br>construction)                            | 2           | N/A    | 2      | 3                      | 3                                   | 3          | 3                       | <u>4</u> 3              | 2, 4                   |
| Conditionally permitted<br>minimum number of stories<br>(not including underground<br>construction) | N/A         | N/A    | N/A    | 2                      | 2                                   | 2          | 2                       | <u>3</u> 2              | 2                      |

| Regulation  | Height Area                        |     |                                    |                              |                                  |           |             |        | Additional Regulations |
|---|------------------------------------|-----|------------------------------------|------------------------------|----------------------------------|-----------|-------------|--------|------------------------|
|   | 45                                 | 45* | 65                                 | <u>95</u><br><del>85</del>   | <u>9585/</u><br><u>135</u>       | 135       | 135/20<br>0 | 250    |                        |
| <b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>   |                                    |     |                                    |                              |                                  |           |             |        |                        |
| Regular Dwelling Units  | 450                                | N/A | <u>350</u><br><del>375</del>       | <u>250</u><br><del>275</del> | <u>2502</u><br><u>75/20</u><br>0 | 200       | 200/15<br>0 | 90     | 3, 5, 6                |
| Rooming Units   | 225                                | N/A | <u>175</u><br><del>185</del>       | <u>125</u><br><del>135</del> | <u>1254</u><br><u>35/10</u><br>0 | 100       | 100/75      | 45     | 3, 5, 6                |
| <b>Maximum Micro Living Quarters FAR</b>  | 2.5                                | N/A | N/A                                | 4.5                          | N/A                              | 6.0       | N/A         | 8.0    | 5, 6                   |
| <b>Maximum Nonresidential FAR (excluding Micro Living Quarters)</b>   | 2.5                                | 2.5 | 3.5                                | 4.5                          | 4.5/6.<br>0                      | 6.0       | 6.0/8.0     | 10.0   | 3, 6                   |
| <b>Minimum Usable Open Space</b>  |                                    |     |                                    |                              |                                  |           |             |        |                        |
| Area: on each lot containing Residential Facilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per <u>Regular Dwelling Unit</u> | <u>75</u><br><del>100</del><br>sf. | N/A | <u>75</u><br><del>100</del><br>sf. | 75<br>sf.                    | 75 sf.                           | 75<br>sf. | 75 sf.      | 75 sf. | 7, 8, 9                |
| Area: on each lot containing Residential Facilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per <u>Rooming Unit</u>          | <u>38</u><br><del>50</del><br>sf.  | N/A | <u>38</u><br><del>50</del><br>sf.  | 38<br>sf.                    | 38 sf.                           | 38<br>sf. | 38 sf.      | 38 sf. | 7, 8, 9                |
| Area: on each lot containing senior or affordable housing units, usable open space shall be provided for such facilities at a rate stated per   | 30<br>sf.                          | N/A | 30<br>sf.                          | 30<br>sf.                    | 30 sf.                           | 30<br>sf. | 30 sf.      | 30 sf. | 7, 8, 9                |

| Regulation  | Height Area  |     |       |                        |                                     |       |             |       | Additional Regulations |
|---|--|-----|-------|------------------------|-------------------------------------|-------|-------------|-------|------------------------|
|   | 45   | 45* | 65    | <u>95</u><br><u>85</u> | <u>95</u> <u>85</u> /<br><u>135</u> | 135   | 135/20<br>0 | 250   |                        |
| <u>Regular Dwelling Unit</u> or <u>Rooming Unit</u>   |  |     |       |                        |                                     |       |             |       |                        |
| Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per <u>Regular Dwelling Unit</u> or <u>Rooming Unit</u> | 0 sf.  | N/A | 0 sf. | 0 sf.                  | 0 sf.                               | 0 sf. | 0 sf.       | 0 sf. | 9, 9                   |
| <b>Size and shape of open space:</b> An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown below:             |  |     |       |                        |                                     |       |             |       |                        |
| Private Open Space: is accessible from a single unit  | 10 ft. for space on the ground floor and 4 ft. on other floors           |     |       |                        |                                     |       |             |       | 7, 8, 9                |
| Rooftop: a type of group open space, includes decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants  | 15 ft.   |     |       |                        |                                     |       |             |       | 7, 8, 9                |
| Courtyard: a type of group open space that can be located anywhere within the subject property  | 15 ft.   |     |       |                        |                                     |       |             |       | 7, 8, 9                |
| Private Group Community Room: a type of interior group space that could include a movie room, kitchen, and/or gym   | 10 ft. (1/3 of the required usable open space can be used for this type) |     |       |                        |                                     |       |             |       | 7, 8, 9                |
| Public Ground- <u>Level Floor</u> Plaza: a type of group open space (see Section 17.127.030) located at street level and adjacent to the  | 10 ft.   |     |       |                        |                                     |       |             |       | 7, 8, 9                |

| Regulation   | Height Area |     |    |                        |                            |     |             |     | Additional Regulations |
|--|-------------|-----|----|------------------------|----------------------------|-----|-------------|-----|------------------------|
|  | 45          | 45* | 65 | <u>95</u><br><u>85</u> | <u>9585/</u><br><u>135</u> | 135 | 135/20<br>0 | 250 |                        |
| building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving |             |     |    |                        |                            |     |             |     |                        |

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

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

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.101C.04 [Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

7. The following apply to open space standards. These requirements shall supersede those in Chapter 17.126:

**c. Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than the minimum height required by the Oakland Building Code. four (4) feet high.

**d. Accessibility.** Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot. ~~except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line.~~ Above-ground-level space may be counted



even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

**e. Landscaping requirements.** At least ten percent (10%) ~~thirty percent (30%)~~ of rooftop or courtyard usable open space area shall include landscaping enhancements. At least twenty percent (20%) ~~thirty percent (30%)~~ of public ground-level floor plaza area shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, ~~sidewalk cafes~~, or playground structures.

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

**D. Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space.** Table 17.101C.06 below prescribes height, FAR, residential bonus, and open space, standards associated with the minimum retail area required in the Retail Priority Sites described in Table 17.101C.05 above. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified retail percentage category.

**Additional Regulations for Table 17.101C.06:**

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

**4.** The overall number of residential units cannot exceed the General Plan density allowance of eighty-seven (87) square feet of lot area per principal unit.

**5.** The following apply to open space standards:

**e. Landscaping requirements.** At least ten percent (10%) ~~thirty percent (30%)~~ of rooftop or courtyard usable open space area shall include landscaping enhancements. At least twenty percent (20%) ~~thirty percent (30%)~~ of public ground-level floor plaza area shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, ~~sidewalk cafes~~, or playground structures.

**17.101C.060 - Special regulations for Planned Unit Developments.**

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

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

**Chapter 17.101D D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONES REGULATIONS**

**17.101D.030 Permitted and conditionally permitted activities.**

**Table 17.101D.01 Permitted and Conditionally Permitted Activities**

| Activity Types                | Zones                |                      |                      | Additional Regulations |
|-------------------------------|----------------------|----------------------|----------------------|------------------------|
|                               | D-KP-1               | D-KP-2               | D-KP-3               |                        |
| <b>Residential Activities</b> |                      |                      |                      |                        |
| Permanent                     | P                    | P                    | P                    |                        |
| Residential Care              | P(L6)                | P(L6)                | P(L6)                | 17.103.010             |
| Supportive Housing            | P                    | P                    | P                    |                        |
| Transitional Housing          | P                    | P                    | P                    |                        |
| Emergency Shelter             | <u>GP(L1)(L6)</u>    | <u>GP(L1)(L6)</u>    | <u>GP(L1)(L6)</u>    | 17.103.010             |
| Semi-Transient                | <u>Ⓞ</u><br><u>P</u> | <u>Ⓞ</u><br><u>P</u> | <u>Ⓞ</u><br><u>P</u> | 17.103.010             |
| Bed and Breakfast             | C                    | C                    | C                    | 17.10.125              |

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

**L1.** No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or Licensed Emergency Shelters. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L2.** See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

**L5.** Community Gardens are permitted ~~outright~~ if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

**L6.** See Section 17.103.010 for other regulations regarding Residential Care Residential Activities, and Sections 17.103.010 and 17.103.015 for other regulations regarding Emergency Shelter Residential Activities. Notwithstanding anything to the contrary contained in the Planning Code, Emergency Shelter Residential Activities are permitted by-right on properties owned by churches, temples, synagogues, and other similar places of worship approved for Community Assembly Civic Activities); permitted upon the granting of a Conditional Use Permit if located elsewhere in the zone subject to the standards in Section 17.103.010. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

**17.101D.040 Permitted and conditionally permitted facilities.**

**Table 17.101D.02 Permitted and Conditionally Permitted Facilities**

| Facility Types                       | Zones  |        |        | Additional Regulations          |
|--------------------------------------|--------|--------|--------|---------------------------------|
|                                      | D-KP-1 | D-KP-2 | D-KP-3 |                                 |
| <b>Residential Facilities</b>        |        |        |        |                                 |
| One-Family Dwelling                  | P(L3)  | P(L3)  | P(L3)  | 17.103.080                      |
| Two- <u>to Four</u> -Family Dwelling | P(L3)  | P(L3)  | P(L3)  | 17.103.080                      |
| Multifamily Dwelling                 | P(L3)  | P(L3)  | P(L3)  | 17.103.080                      |
| Rooming House                        | P      | P      | P      |                                 |
| Vehicular                            | P      | P      | P      | <u>17.103.080</u><br>17.103.085 |

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

**L3.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

## Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

### 17.101E.030 Permitted and conditionally permitted activities.

**Table 17.101E.01: Permitted and Conditionally Permitted Activities**

| Activities                    | Zones  |        |                       |                      |        |        | Additional Regulations |
|-------------------------------|--------|--------|-----------------------|----------------------|--------|--------|------------------------|
|                               | D-CE-1 | D-CE-2 | D-CE-3                | D-CE-4               | D-CE-5 | D-CE-6 |                        |
| <b>Residential Activities</b> |        |        |                       |                      |        |        |                        |
| Emergency Shelter             | —      | —      | <u>P</u> G(L1)        | <u>P</u> G(L1)       | —      | —      | 17.103.010             |
| Semi-Transient                | —      | —      | <u>G</u><br><u>P</u>  | <u>G</u><br><u>P</u> | —      | —      | 17.103.010             |
| <b>Civic Activities</b>       |        |        |                       |                      |        |        |                        |
| Essential Service             | P(L18) | P(L18) | P(L22)                | P(L22)               | P(L18) | P(L18) |                        |
| Limited Child-Care Activities | —      | —      | P                     | —                    | —      | —      |                        |
| Community Assembly            | —      | —      | P(L2)                 | —                    | C      | —      |                        |
| Recreational Assembly         | P      | C      | P(L2)                 | C                    | C      | —      |                        |
| Community Education           | P      | P      | C                     | C                    | C      | —      |                        |
| Nonassembly Cultural          | P      | P      | <u>P(L2)(L3)</u>      | P(L3)                | C      | —      |                        |
| Administrative                | P      | P      | P(L3)                 | P(L3)                | C      | —      |                        |
| <b>Commercial Activities</b>  |        |        |                       |                      |        |        |                        |
| General Food Sales            | P      | P      | <u>P(L2)(L12)(L4)</u> | <u>P(L4)(L12)</u>    | P(L5)  | P(L5)  |                        |
| Full Service Restaurants      | P      | P      | P(L4)                 | P(L4)                | P(L5)  | P(L5)  |                        |

| Activities   | Zones  |        |                   |                        |            |                                  | Additional Regulations |
|--|--------|--------|-------------------|------------------------|------------|----------------------------------|------------------------|
|  | D-CE-1 | D-CE-2 | D-CE-3            | D-CE-4                 | D-CE-5     | D-CE-6                           |                        |
| Limited Service Restaurant and Cafe                          | P      | P      | P(L4)             | P(L4)                  | P(L5)      | P(L5)                            |                        |
| Medical Service  | —      | —      | <u>P(L2)</u>      | —                      | —          | —                                |                        |
| General Retail Sales   | P      | P      | P(L5)             | P(L5)                  | P(L5)      | <del>—(L6)</del><br><u>P(L6)</u> |                        |
| Consultative and Financial Service                           | P      | P      | P(L3)             | P                      | C          | —                                |                        |
| Consumer Dry Cleaning Plant                                  | —      | €<br>= | —                 | —                      | C          | C                                |                        |
| Group Assembly   | C      | C      | C                 | C                      | C          | C(L8)                            |                        |
| Personal Instruction and Improvement Services                | P      | P      | €<br><u>P</u>     | €<br><u>P</u>          | C          | C(L8)                            |                        |
| Administrative   | P      | P      | P(L3)             | P(L3)                  | P          | <del>—(L9)</del>                 |                        |
| Research Service   | P      | P      | P(L3)(L10)        | P(L3)(L10)             | P          | P                                |                        |
| General Wholesale Sales                                      | —      | P(L7)  | P(L2)             | P(L3)                  | P(L3)(L11) | P                                |                        |
| Transient Habitation   | C      | C      | C                 | C                      | —          | —                                | 17.103.050             |
| Building Material Sales                                      | —      | P      | <u>P(L2)(L10)</u> | <u>P(L2)(L10)(L12)</u> | P          | —                                |                        |
| Automobile and Other Light Vehicle Gas Station and Servicing | —      | C      | —                 | —                      | C          | P(L14)                           |                        |

| Activities   | Zones  |            |                 |                 |        |        | Additional Regulations |
|--|--------|------------|-----------------|-----------------|--------|--------|------------------------|
|  | D-CE-1 | D-CE-2     | D-CE-3          | D-CE-4          | D-CE-5 | D-CE-6 |                        |
| Automobile and Other Light Vehicle Repair and Cleaning | —      | C(L13)     | —               | —               | C      | P(L14) |                        |
| <b>Industrial Activities</b>                           |        |            |                 |                 |        |        |                        |
| Custom Manufacturing                                   | C      | P          | P(L3)(L10)(L12) | P(L3)(L10)(L12) | P      | P      | 17.120                 |
| Light Manufacturing                                    | C      | P          | P(L2)(L10)(L12) | P(L3)(L10)(L12) | P      | P      | 17.120                 |
| Heavy/High Impact                                      | —      | —          | —               | —               | —      | C(L24) |                        |
| Research and Development                               | P(L2)  | P(L3)(L10) | P(L3)(L10)      | P(L3)(L10)      | P      | P      |                        |
| Construction Operations                                | —      | —          | —               | C(L10)          | P(L14) | P(L14) | <u>17.103.065</u>      |
| Warehousing, Storage, and Distribution-Related:        |        |            |                 |                 |        |        |                        |
| A. General Warehousing, Storage and Distribution       | C      | —          | P(L2)(L10)      | P(L2)(L3)(L10)  | P(L23) | P(L23) | <u>17.103.065</u>      |
| B. General Outdoor Storage                             | —      | —          | —               | —               | P(L14) | P(L14) |                        |
| C. Self- or Mini-Storage                               | —      | —          | —               | C               | C(L25) | —      |                        |
| D. Container Storage                                   | —      | —          | —               | —               | P(L14) | P(L14) |                        |
| E. Salvage/Junk Yards                                  | —      | —          | —               | —               | —      | C(L24) |                        |
| Regional Freight Transportation-Related:               |        |            |                 |                 |        |        |                        |

| Activities   | Zones  |        |        |        |               |                         | Additional Regulations         |
|--|--------|--------|--------|--------|---------------|-------------------------|--------------------------------|
|  | D-CE-1 | D-CE-2 | D-CE-3 | D-CE-4 | D-CE-5        | D-CE-6                  |                                |
| A. Seaport   | —      | —      | —      | —      | —             | C                       |                                |
| B. Rail Yard   | —      | —      | —      | —      | C             | C                       | <u>17.103.065</u>              |
| Trucking and Truck-Related:  |        |        |        |        |               |                         |                                |
| A. Freight/Truck Terminal  | —      | —      | —      | —      | P(L14)        | P(L14)                  | <u>17.103.065</u>              |
| B. Truck Yard  | —      | —      | —      | —      | <u>C(L24)</u> | P(L14)                  | <u>17.103.065</u>              |
| C. Truck Weigh Stations  | —      | —      | —      | —      | <u>P(L14)</u> | P(L14)                  | <u>17.103.065</u>              |
| D. Truck & Other Heavy Vehicle Sales, Rental & Leasing                 | —      | —      | —      | —      | P(L14)        | P(L14)                  | <u>17.103.065</u>              |
| E. Truck & Other Heavy Vehicle Service, Repair, and Refueling          | —      | —      | —      | —      | P(L14)        | P(L14)                  | <u>17.103.065</u>              |
| Recycling and Waste-Related:   |        |        |        |        |               |                         |                                |
| A. Satellite Recycling Collection Centers                              | —      | P(L15) | P(L15) | P(L15) | P(L15)        | P(L15)                  | 17.10.040                      |
| B. Primary Recycling Collection Centers                                | —      | —      | —      | —      | —             | C(L16)                  | 17.73.035<br><u>17.103.065</u> |
| Hazardous Materials Production, Storage, and Waste Management-Related: |        |        |        |        |               |                         |                                |
| A. Small Scale Transfer and Storage                                    | —      | —      | —      | —      | <u>C(L24)</u> | <u>C(L14)(L17)(L24)</u> |                                |



| Activities                                   | Zones  |        |        |        |        |                  | Additional Regulations |
|--|--------|--------|--------|--------|--------|------------------|------------------------|
|  | D-CE-1 | D-CE-2 | D-CE-3 | D-CE-4 | D-CE-5 | D-CE-6           |                        |
| B. Industrial Transfer/Storage               | —      | —      | —      | —      | —      | C(L14)(L17)(L24) |                        |
| C. Residuals Repositories                    | —      | —      | —      | —      | —      | C(L14)(L17)(L24) |                        |
| D. Oil and Gas Storage                       | —      | —      | —      | —      | —      | C(L14)(L17)(L24) |                        |
| <b>Agriculture and Extractive Activities</b> |        |        |        |        |        |                  |                        |
| Limited Agriculture                          | C(L19) | C(L19) | P(L20) | P(L20) | C(L19) | C(L19)           |                        |
| Extensive Agriculture                        | C(L21) | C(L21) | C(L21) | C(L21) | C(L21) | C(L21)           |                        |
| Plant Nursery                                | —      | C      | C      | C      | P      | P                |                        |
| Mining and Quarrying                         | —      | —      | —      | —      | —      | —                |                        |

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

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

**L2.** The total floor area devoted to these activities by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L3.** The total floor area devoted to these activities by any single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L5.** These activities are only allowed on the ground floor of a building. Except in D-CE-4, the total floor area devoted to these activities by any single establishment ~~shall~~ may only exceed ~~ten thousand (10,000) five thousand (5,000)~~ square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L6.** Except for parcels facing High Street, Kennedy Street, Fruitvale Avenue, Alameda Avenue, and 23rd Avenue, General Retail Sales is only allowed as an accessory use per Section 17.10.040. For parcels facing High Street, Kennedy Street, Fruitvale Avenue, Alameda Avenue, and 23rd Avenue, the total floor area devoted to General Retail Sales by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L7.** The total floor area devoted to these activities by any single establishment shall not exceed five thousand (5,000) square feet.

**L8.** Entertainment, educational and athletic services are not permitted.

**L9.** Administrative activities accessory to an ~~existing~~ Industrial Activity are limited to twenty percent (20%) of floor area in the D-CE-6 Zone.

**L10.** Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

**L11.** These activities are only allowed in the Tidewater South area of the D-CE-5 Zone; not permitted in any other areas of D-CE-5.

**L12.** Commercial kitchen operations that include the retail sale, from the premises, of any type of prepared food or beverage where orders are placed predominantly online or by telephone or mail order, and delivery to customers is provided by motor vehicle shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134) if it is the principal activity on a lot that is more than twenty five thousand (25,000) square feet, or covers more than twenty five thousand (25,000) square feet of floor area.

**L14.** A Conditional Use Permit is required if located within six hundred (600) three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-3 or D-CE-4 Zone; or c) any Open Space Zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones). This activity is permitted if located beyond six hundred (600) three hundred (300) feet.

**L16.** A Conditional Use Permit ~~(see Chapter 17.134 for the CUP procedure)~~ is required for ~~†~~This activity, but is not permitted within six hundred (600) three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-1, D-CE-2, D-CE-3, or D-CE-4 Zone; or c) any Open Space Zone. A Conditional Use Permit is required if located elsewhere throughout the zone (see

Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones). All special regulations for primary collection centers in the Industrial Zones must be met as listed in Section 17.73.035.

**L20.** Limited Agriculture is permitted ~~outright~~ if the activity occupies less than twenty thousand (20,000) square feet ~~one (1) acre~~ of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

**L22.** Community Gardens are permitted ~~outright~~ if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

**L23.** A Conditional Use Permit is required if located within six hundred (600) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones). Permitted if located beyond six hundred (600) feet of a Residential Zone.

**L24.** Prohibited if located within six hundred (600) feet of a Residential or Open Space Zone; or the estuary shoreline. A Conditional Use Permit is required if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

**L25.** A Conditional Use Permit is required if located within six hundred (600) feet of a Residential Zone (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones); prohibited if located elsewhere throughout the zone.

**17.101E.040 Permitted and conditionally permitted facilities.**

**Table 17.101E.02: Permitted and Conditionally Permitted Facilities**

| Facilities                    | Zones  |        |        |        |        |        | Additional Regulations |
|-------------------------------|--------|--------|--------|--------|--------|--------|------------------------|
|                               | D-CE-1 | D-CE-2 | D-CE-3 | D-CE-4 | D-CE-5 | D-CE-6 |                        |
| <b>Residential Facilities</b> |        |        |        |        |        |        |                        |
| One-Family Dwelling           | —(L1)  | —(L1)  | P(L5)  | —(L1)  | —(L1)  | —(L1)  | 17.103.080             |

| Facilities                          | Zones  |        |        |        |        |        | Additional Regulations          |
|-------------------------------------|--------|--------|--------|--------|--------|--------|---------------------------------|
|                                     | D-CE-1 | D-CE-2 | D-CE-3 | D-CE-4 | D-CE-5 | D-CE-6 |                                 |
| Two- <u>to</u> Four-Family Dwelling | —(L1)  | —(L1)  | P(L5)  | —(L1)  | —(L1)  | —(L1)  | 17.103.080                      |
| Multifamily Dwelling                | —(L1)  | —(L1)  | P(L5)  | P(L5)  | —(L1)  | —(L1)  | 17.103.080                      |
| Rooming House                       | —(L1)  | —(L1)  | P      | P      | —(L1)  | —(L1)  |                                 |
| Vehicular                           | —(L1)  | —(L1)  | P      | —(L1)  | —(L1)  | —(L1)  | <u>17.103.080</u><br>17.103.085 |
| Live/Work                           | —      | —      | P      | P      | —      | —      |                                 |

**17.101E.050 Property development standards.**

A. **Zone Specific Standards.** Table 17.101E.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

**Table 17.101E.03 Property Development Standards**

| Development Standards   | Zones     |           |  |  |                                    |                                    | Additional Regulations |
|---|-----------|-----------|--|--|------------------------------------|------------------------------------|------------------------|
|   | D-CE-1    | D-CE-2    | D-CE-3                                   | D-CE-4                                   | D-CE-5                             | D-CE-6                             |                        |
| <b>Minimum Lot Dimensions</b>                                     |           |           |  |  |                                    |                                    |                        |
| Lot Width mean  | 25 ft.    | 25 ft.    | <u>25 ft.</u><br><del>35 ft.</del>       | <u>25 ft.</u><br><del>35 ft.</del>       | <u>35 ft.</u><br><del>25 ft.</del> | <u>35 ft.</u><br><del>25 ft.</del> | 1                      |
| Frontage  | 25 ft.    | 25 ft.    | <u>25 ft.</u><br><del>35 ft.</del>       | <u>25 ft.</u><br><del>35 ft.</del>       | <u>35 ft.</u><br><del>25 ft.</del> | <u>35 ft.</u><br><del>25 ft.</del> | 1                      |
| Lot area  | 4,000 sf. | 4,000 sf. | <u>2,500 sf.</u><br><del>4,000 sf.</del> | <u>2,500 sf.</u><br><del>4,000 sf.</del> | 10,000 sf.                         | 10,000 sf.                         | 1                      |
| <b>Minimum/Maximum Setbacks</b>                                   |           |           |  |  |                                    |                                    |                        |
| See also "Design Guidelines for the Central Estuary" Section 3.3. |           |           |  |  |                                    |                                    |                        |

| Development Standards  | Zones  |                                |   |                      |                      |        | Additional Regulations |
|--|--|--------------------------------|---|----------------------|----------------------|--------|------------------------|
|  | D-CE-1   | D-CE-2                         | D-CE-3  | D-CE-4               | D-CE-5               | D-CE-6 |                        |
| Minimum front  | 0 ft.  | 0 ft.                          | <u>See additional regulation 2.</u><br>10 ft. | <u>0/10 ft.</u>      | 5 ft.                | 5 ft.  | 2, 20                  |
| Minimum interior side  | 0 ft.  | 0 ft.                          | <u>See additional regulation 2.</u><br>4 ft.  | 0 ft.                | 0 ft.                | 0 ft.  | 2, 20                  |
| Minimum street side of a corner lot  | 0 ft.  | 0 ft.                          | <u>See additional regulation 2.</u><br>4 ft.  | <u>4 ft. 5 ft.</u>   | 5 ft.                | 5 ft.  | 2, 20                  |
| Rear<br>( <u>R</u> esidential<br><u>F</u> acilities)   | N/A  | N/A                            | <u>See additional regulation 2.</u><br>10 ft. | 10 ft.               | N/A                  | N/A    | <u>2</u> , 3, 20       |
| Rear<br>( <u>N</u> onresidential<br><u>F</u> acilities)  | 0 ft.  | 0 ft.                          | 0 ft.   | 0 ft.                | 0 ft.                | 0 ft.  | 2, 20                  |
| <b>Reduced Setbacks for Smaller Lots</b>   | See Table 17.101E.04 for reduced setbacks for smaller lots   |                                |   |                      |                      |        | 20                     |
| <b>Height Regulations</b><br>See also "Design Guidelines for the Central Estuary" Section 4.2. |  |                                |   |                      |                      |        |                        |
| Maximum height   | 45 ft.   | <u>95 ft.</u><br><u>85 ft.</u> | 45/55 ft.                                     | <u>95 ft. 75 ft.</u> | <u>95 ft. 85 ft.</u> | N/A    | 4, 5, 6, 7             |
| Fence heights & other regulations  | See Chapter 17.108.140 for fences, dense hedges, barriers, & free-standing walls; and Design Guidelines for the Central Estuary Section 3.8. |                                |   |                      |                      |        |                        |

| Development Standards  | Zones  |        |                       |                       |        |        | Additional Regulations |
|--|--|--------|-----------------------|-----------------------|--------|--------|------------------------|
|  | D-CE-1   | D-CE-2 | D-CE-3                | D-CE-4                | D-CE-5 | D-CE-6 |                        |
| Minimum fence height in yards adjacent to <u>Residential and Open Space Zones</u>  | See Chapter 17.108.140 for fences, dense hedges, barriers, & free-standing walls; and "Design Guidelines for the Central Estuary" Section 3.8. |        |                       |                       | 8 ft.  | 8 ft.  | 8                      |
| Maximum fence height adjacent to <u>Residential and Open Space Zones</u>   | 8 ft.  | N/A    | 8 ft.                 | 8 ft.                 | 12 ft. | 12 ft. | 8                      |
| <b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b><br>See also "Design Guidelines for the Central Estuary" Section 4.3. |  |        |                       |                       |        |        |                        |
| Regular Dwelling Units   | N/A  | N/A    | 700                   | <u>500</u> 700        | N/A    | N/A    | 9, 10                  |
| Rooming Units  | N/A  | N/A    | 350                   | <u>250</u> 350        | N/A    | N/A    | 9, 10                  |
| Efficiency Dwelling Units  | N/A  | N/A    | 350                   | <u>250</u> 350        | N/A    | N/A    | 9, 10                  |
| <b>Maximum Nonresidential FAR</b> - See Design Guidelines Section 4.3.   | 2.0  | 3.0    | 3.0                   | 3.0                   | 3.0    | 2.0    | 10                     |
| <b>Minimum Usable Open Space</b><br>See also "Design Guidelines for the Central Estuary" Section 3.10.   |  |        |                       |                       |        |        |                        |
| Group Usable Open Space per Regular Dwelling Unit  | N/A  | N/A    | <u>75 sf.</u> 150 sf. | <u>75 sf.</u> 100 sf. | N/A    | N/A    | 11                     |

| Development Standards   | Zones   |        |                                 |                                 |        |        | Additional Regulations |
|---|---|--------|---------------------------------|---------------------------------|--------|--------|------------------------|
|   | D-CE-1  | D-CE-2 | D-CE-3                          | D-CE-4                          | D-CE-5 | D-CE-6 |                        |
| Group usable open space per Regular Dwelling Unit when private open space substituted       | N/A   | N/A    | <u>20 sf.</u> <del>30 sf.</del> | 20 sf.                          | N/A    | N/A    | 11                     |
| Group usable open space per Rooming Unit  | N/A   | N/A    | <u>38 sf.</u> <del>75 sf.</del> | <u>38 sf.</u> <del>50 sf.</del> | N/A    | N/A    | 11                     |
| Group usable open space per Rooming Unit when private open space is substituted             | N/A   | N/A    | <u>10 sf.</u> <del>15 sf.</del> | 10 sf.                          | N/A    | N/A    | 11                     |
| Group usable open space per Efficiency Dwelling Unit  | N/A   | N/A    | <u>38 sf.</u> <del>75 sf.</del> | <u>38 sf.</u> <del>50 sf.</del> | N/A    | N/A    | 11                     |
| Group usable open space per Efficiency Dwelling Unit when private open space is substituted | N/A   | N/A    | <u>10 sf.</u> <del>15 sf.</del> | 10 sf.                          | N/A    | N/A    | 11                     |
| <b>Minimum Parking and Loading Requirements</b>   | See Chapter 17.116 for loading and automobile parking <u>requirements</u> ;<br><br>Chapter 17.117 for bicycle parking <u>requirements</u> ; and<br><br>"Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8. For Boat, and Marine Related Sales, Rental, Repair and Servicing Activities, see Section 17.101E.110 |        |                                 |                                 |        |        | 12, 19                 |

| Development Standards   | Zones  |        |                        |                        |          |          | Additional Regulations |
|---|--|--------|------------------------|------------------------|----------|----------|------------------------|
|   | D-CE-1   | D-CE-2 | D-CE-3                 | D-CE-4                 | D-CE-5   | D-CE-6   |                        |
| <b>Courtyard Regulations</b>  | N/A  | N/A    | See Section 17.108.120 | See Section 17.108.120 | N/A      | N/A      |                        |
| <b>Driveway and Site Access Regulations</b><br>See also "Design Guidelines for the Central Estuary" Sections 3.4 and 3.7. |  |        |                        |                        |          |          |                        |
| Minimum Distance of driveway or site access from any Residential or Open Space Zone boundary                              | See Section 17.116.210, <del>Driveways and Maneuvering Aisles for Parking</del>              |        |                        |                        | 50 ft.   | 50 ft.   | 16                     |
| Driveway Width Maximum  | See Section 17.116.210, <del>Driveways and Maneuvering Aisles for requirements Parking</del> |        |                        |                        | 35 ft.   | 35 ft.   | 17                     |
| Pedestrian Walkway  | N/A  | N/A    | N/A                    | N/A                    | Required | Required | 18                     |
| <b>Frontage Type Standards</b>  | See Table 17.101E.05. See also "Design Guidelines for the Central Estuary" Section 4.1.      |        |                        |                        |          |          |                        |

**Additional Regulations for Table 17.101E.03:**

**2.** In the D-CE-3 Zone, minimum yards shall be consistent with the adopted "Design Guidelines for the Central Estuary". In the D-CE-4 Zone, the minimum front setback shall be reduced to 0 feet along all lot lines designated as Public Frontages on the Zoning Map (see Section 17.101E.060 for a description of this frontage type). See also Section 17.108.130 for allowed projections into setbacks, and see the "Design Guidelines for the Central Estuary", Sections 3.3 and 4.1.

**3.** In the D-CE-3 and D-CE-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units, and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than five (5) ten (10) feet. Also, wherever a rear lot line abuts another lot where the existing primary facility is nonresidential, the



required minimum rear setback shall be reduced to five (5) feet. Ssee Section 17.108.130 for allowed projections into setbacks.

4. Buildings shall have a thirty (30) foot maximum height at the required setback line associated with any rear lot line that directly abuts a lot with a residential building. This maximum height shall increases one (1) foot for every foot away from the applicable setback line if the residential building on the abutting lot has a height of thirty (30) feet or less. If the residential building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increases four (4) feet for every foot away from the applicable setback line. An increase in allowable height shall not exceed ~~resulting from construction away from a setback line shall not result in a height greater than~~ the maximum height allowed in the zone. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

5. ~~In the D-CE-3 Zone, the fifty five (55) foot height maximum may only be achieved if the proposed building is scaled to a context that will be compatible with adjacent uses.~~ See the "Design Guidelines for the Central Estuary", Sections 3 and 4, to ensure that proposed buildings in the D-CE-3 Zone are scaled to a context that will be compatible with adjacent uses.

6. In the D-CE-3 Zone, the maximum heights may be exceeded in the following situations: Structures that are either: 1) on lots adjacent to, or directly across the street from a freeway right-of-way or Bay Area Rapid Transit (BART) right-of-way that contains above-ground tracks; or and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right-of-way are eligible for a ninety-five (95) ~~seventy five (75)~~ foot height limit. This additional height is permitted only upon the granting of a Conditional Uuse Permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). See also the "Design Guidelines for the Central Estuary", Sections 3 and 4.

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

13. Any new principal residential building or addition over one thousand (1,000) ~~five hundred (500)~~ square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding any permitted Accessory Dwelling Units. The landscaping and buffering plan shall contain the following:

B. **Reduced Setbacks for Smaller Lots.** Table 17.101E.04 below prescribes reduced setback standards for lots less than three thousand (3,000) ~~four thousand (4,000)~~ square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.101E.04 Reduced Setbacks for Smaller Lots**

| Regulation              | Lot Size                      | Additional Regulations |
|-------------------------|-------------------------------|------------------------|
|                         | ≤ 3,000 sf. or ≤ 35 feet wide |                        |
| <b>Minimum Setbacks</b> |                               |                        |
| Minimum interior side   | 3 ft.                         | 1                      |
| Minimum street side     | 3 ft.                         | 1                      |
| Rear                    | 10 ft.                        | 1                      |

**17.101E.070 Special regulations for Work/Live Units.**

C. ~~Regular~~ **Design review requirement.** ~~d.~~ Establishment of a Work/Live unit shall ~~only be permitted upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136, and~~ if Regular Design Review is applicable, to all of the following additional criteria:

D. Table 17.101E.06 below prescribes special regulations for Work/Live Units. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

"P" designates permitted activities in the corresponding zone.

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

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

"N/A" designates the regulation is not applicable to the specified zone.

**Table 17.101E.06 Special Regulations for Work/Live Units**

| Development Standards        | Zones  |        |        |        |        |        | Additional Regulations |
|------------------------------|--------|--------|--------|--------|--------|--------|------------------------|
|                              | D-CE-1 | D-CE-2 | D-CE-3 | D-CE-4 | D-CE-5 | D-CE-6 |                        |
| <b>Activities Allowed</b>    |        |        |        |        |        |        |                        |
| Work/Live - new construction | —      | —      | P      | P      | —      | —      |                        |
| Work/Live - conversion of    | —      | —      | P      | P      | C      | —      | 1                      |

| Development Standards  | Zones  |        |   |   |   |        | Additional Regulations |
|--|--------|--------|---|---|---|--------|------------------------|
|  | D-CE-1 | D-CE-2 | D-CE-3  | D-CE-4  | D-CE-5  | D-CE-6 |                        |
| existing building  |        |        |   |   |   |        |                        |
| Activities allowed in a Work/Live unit   | N/A    | N/A    | Same permitted and conditionally permitted activities as described in Section 17.101E.030 | Same permitted and conditionally permitted activities as described in Section 17.101E.030 | Same permitted and conditionally permitted activities as described in Section 17.101E.030 | N/A    |                        |
| <b>Minimum Size of Work/Live Unit</b>  | N/A    | N/A    | 800 sf.   | 800 sf.   | 800 sf.   | N/A    |                        |
| <b>Maximum Nonresidential FAR - See Design Guidelines Section 4.3.</b>   | N/A    | N/A    | 3.0   | 3.0   | N/A   | N/A    | 2                      |
| <b>Work/Live Unit Type Permitted</b> See Table 17.101E.07 for definitions of the different types of Work/Live units. |        |        |   |   |   |        |                        |
| Type 1   | —      | —      | P   | P   | C   | —      | 3                      |
| Type 2   | —      | —      | P   | P   | —   | —      | 3                      |
| <b>Minimum Usable Open Space - See also "Design Guidelines for the Central Estuary" Section 3.10.</b>                |        |        |   |   |   |        |                        |
| Group Usable Open Space per Work/Live Unit   | N/A    | N/A    | 75 sf.  | 75 sf.  | N/A   | N/A    | 4                      |

| Development Standards  | Zones  |        |  |  |        |        | Additional Regulations |
|--|--------|--------|--|--|--------|--------|------------------------|
|  | D-CE-1 | D-CE-2 | D-CE-3   | D-CE-4   | D-CE-5 | D-CE-6 |                        |
| <b>Parking and Loading Requirements</b> - See also "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8. |        |        |  |  |        |        |                        |
| Minimum parking spaces required per Work/Live Unit   | N/A    | N/A    | See Chapter 17.116 for parking requirements <sup>4</sup> | See Chapter 17.116 for parking requirements <sup>4</sup> | N/A    | N/A    | 5                      |
| <b>Required Loading</b> - See also "Design Guidelines for the Central Estuary" Section 3.6                                     |        |        |  |  |        |        |                        |
| Less than <del>50,000</del> <del>25,000</del> sf.  | N/A    | N/A    | No berth   | No berth   | N/A    | N/A    | 5, 7                   |
| <del>50,000 – 199,000 sf.</del><br><del>25,000 – 69,999 sf.</del>  | N/A    | N/A    | 1 berth  | 1 berth  | N/A    | N/A    | 5, 7                   |
| <del>200,000 sf. or more</del> <del>70,000 – 129,999 sf.</del>   | N/A    | N/A    | 2 berths   | 2 berths   | N/A    | N/A    | 5, 7                   |
| <del>130,000 sf. or more</del>   | N/A    | N/A    | 3 berths   | 3 berths   | N/A    | N/A    | 5, 7                   |
| <b>Public Entrance to Nonresidential Floor Area</b>  | N/A    | N/A    | Yes  | Yes  | Yes    | N/A    | 8                      |

**Additional Regulations for Table 17.101E.06:**

**1. Use Permit Criteria.** A Conditional Use Permit for a Work/Live unit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to both of the following additional use permit criteria:

- a. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and

- b. That the workers and others living there will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions.
- 2. Work/Live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.
- 3. See Table 17.101E.07 for definitions of the different types of Work/Live units.
- 4. Open space standards shall apply to new construction only. No additional open space is required for Work/Live units within an existing building. For conversion of existing buildings, maintaining the amount of existing open space is required to at least these minimum standards. If there is more open space on the lot than required, then it can be reduced to the minimum required. All required usable open space shall meet the useable open space standards contained in Chapter 17.126, except that all useable open space may be provided on roof tops, podiums or other non-ground level areas. Further, each square foot of private useable open space equals two (2) square feet towards the total usable open space requirement.
- 5. Parking and loading standards shall apply to new construction and additions only. No additional parking or loading is required for Work/Live units within an existing building. For conversion of existing buildings, maintaining the amount of existing parking and loading is required to at least these minimum standards. If there is more parking or loading spaces on the lot than required, then each can be reduced to the minimum required. See Chapter 17.116 for other off-street parking and loading standards.
- 6. See Chapter 17.117 for other bicycle parking requirements.
- 7. See Chapter 17.116 for other loading standards.
- 8. Each D-CE-3 and D-CE-4 Work/Live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.

**17.101E.090 Special Regulations for Planned Unit Developments.**

~~A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini Lot PUDs), certain regulations that apply to individual lots in the D-CE-3 and D-CE-4 Zones may be waived or modified when and as prescribed in Chapter 17.142.~~

**AB. Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the D-CE-3 and D-CE-4 Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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

### 17.101G.030 Permitted and conditionally permitted activities.

**Table 17.101G.01: Permitted and Conditionally Permitted Activities**

| Activities | Zones  |        |        |        |        | Additional Regulations |
|------------|--------|--------|--------|--------|--------|------------------------|
|            | D-LM-1 | D-LM-2 | D-LM-3 | D-LM-4 | D-LM-5 |                        |

#### **Limitations on Table 17.101G.01:**

**L3.** These activities may only be located above the ground floor of a building upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L4.** With the exception of parcels facing Broadway and 14th Street, the total linear frontage length devoted to these activities by any single establishment both on the ground floor and within thirty (30) feet of the principal street frontage ~~by any single establishment~~ may only exceed twenty-five percent (25%) of the total linear frontage length from street corner to street corner upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Any single establishment may only exceed twelve thousand (12,000) square feet in floor area upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

**L5.** If located on a Commercial Corridor, as defined in Section 17.101G.010.C with the exception of 8<sup>th</sup>, 9<sup>th</sup>, Franklin, Webster and Harrison Streets between 7<sup>th</sup>, 10<sup>th</sup>, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet of an applicable street frontage, from any street abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). If located on 8<sup>th</sup>, 9<sup>th</sup>, Franklin, Webster and Harrison Streets between 7<sup>th</sup>, 10<sup>th</sup>, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet of an applicable street frontage, from any street abutting property line, any single establishment may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades;
- b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
- c. The proposal will not interfere with the movement of people along an important pedestrian street.

**L6.** These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located within thirty (30) feet of the principal street frontage of the front of the ground floor of the principal building ~~(with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building),~~ the proposed activities must also meet the criteria contained in Note L5, above.

**L7.** These activities may only be located on or below the ground floor of a building with the following exceptions:

a. If the floor area devoted to the activity is less than ~~three thousand (3,000)~~ two thousand (2,000) square feet; and ~~the activity takes place in a Local Register property, then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).~~

b. An activity located on the ground floor may extend to the second floor of a building if each: 1) ~~the floor area devoted to Nonresidential Activities in the building is less than the floor area devoted to Residential Activities;~~ 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

**L8.** No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or Licensed Emergency Shelters. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L9.** See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

**L10.** No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

**L11.** No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities.

**L12.** The total floor area devoted to these activities by any single establishment shall only not exceed three thousand (3,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

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

**L14.** Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure or in a below grade parking lot. Auto fee parking is otherwise prohibited.

**L15.** Limited Agriculture is permitted ~~outright~~ if the activity occupies less than five thousand (5,000) square feet ~~one (1) acre~~ of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

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

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

**17.101G.040 Permitted and conditionally permitted facilities.**

**Table 17.101G.02: Permitted and Conditionally Permitted Facilities**

| Facilities                           | Zones  |           |           |           |           | Additional Regulations          |
|--------------------------------------|--------|-----------|-----------|-----------|-----------|---------------------------------|
|                                      | D-LM-1 | D-LM-2    | D-LM-3    | D-LM-4    | D-LM-5    |                                 |
| <b>Residential Facilities</b>        |        |           |           |           |           |                                 |
| One-Family Dwellings                 | —(L1)  | —(L1)     | —(L1)     | —(L1)     | —(L1)     | 17.103.080                      |
| Two- <u>to Four</u> -Family Dwelling | P(L6)  | P(L5)(L6) | P(L5)(L6) | P(L5)(L6) | P(L5)(L6) | 17.103.080                      |
| Multifamily Dwelling                 | P(L6)  | P(L6)     | P(L6)     | P(L6)     | P(L6)     | 17.103.080                      |
| Rooming House                        | P      | P         | P         | P         | P         |                                 |
| Vehicular                            | P      | P         | P         | P         | P         | <u>17.103.080</u><br>17.103.085 |

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

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

**L5.** A Two- to Four-Family Dwelling that meets all applicable requirements set forth in the ~~Planning and Building Codes~~ is permitted if it is the result of an approved conversion of an existing One-Family Dwelling.

**L6.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.101G.050 Property development standards.**

B. **Height, Bulk, and Intensity Area Specific Standards.** Table 17.101G.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in the Zoning Maps. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified Height/Bulk/Intensity Area.

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



| Regulation   | Height/Bulk/Intensity Areas |   |   |   | Notes |
|--|-----------------------------|---|---|---|-------|
|  | LM-45                       | LM- <u>9585</u>   | LM-175  | LM-275  |       |
| <b>Maximum Height</b>  |                             |   |   |   |       |
| Building Base  | 45 ft.                      | 45 ft.  | 45 ft. base;<br><del>95 ft. 85 ft.</del><br>base upon granting of CUP and additional findings in Note 2.a, b, c | 45 ft. base;<br><del>95 ft. 85 ft.</del><br>base upon granting of CUP and additional findings in Note 2.a, b, c | 1     |
| Maximum Height Total   | 45 ft.                      | <del>95 ft. 85 ft.</del>  | 175 ft.   | 275 ft.   | 2     |
| Height Area Exceptions Allowed With Conditional Use Permit (CUP)               | N/A                         | <b>LM-175</b> standards allowed for <b>5 bldgs. total</b> (2 on east side and 3 on west side of Lake Merritt Channel);<br><br><b>LM-275</b> standards allowed for <b>3 bldgs. total</b> (1 on east side and 2 on west side of Lake Merritt Channel) | <b>LM-275</b> standards allowed for <b>3 bldgs. total</b>   | Not applicable  | 2     |
| <b>Minimum Height</b>  |                             |   |   |   |       |
| New principal buildings  | 25 ft.                      | 35 ft.  | 35 ft.  | 35 ft.  | 3     |
| <b>Maximum Residential Density (Square Feet of Lot Area Required Per Unit)</b> |                             |   |   |   |       |
| Regular Dwelling Unit  | 450                         | 225   | 110   | 110   | 2, 4  |

| Regulation   | Height/Bulk/Intensity Areas |  |   |   | Notes                                       |
|--|-----------------------------|--|---|---|---|
|  | LM-45                       | LM-9585  | LM-175  | LM-275  |   |
| Rooming Unit   | 225                         | 110  | 55  | 55  | 2, 4  |
| Efficiency Dwelling Unit                                   | 225                         | 110  | 55  | 55  | 2, 4  |
| <b>Maximum Nonresidential Intensity (Floor Area Ratio)</b> |                             |  |   |   |   |
| Maximum Nonresidential Floor Area Ratio (FAR)              | 2.5                         | 5<br><u>7.2 if on BART-owned parcel subject to AB2923 (2018).</u>  | 8   | 12  | 2, 4  |
| <b>Tower Regulations</b>                                   |                             |  |   |   |   |
| Setback of Tower from Building Base                        | N/A                         | 0 ft., for buildings not exceeding <u>95 ft.</u> <u>85 ft.</u> in height<br><br>10 ft., along at least 50% of the perimeter length of base for buildings exceeding <u>95 ft.</u> <u>85 ft.</u> in height | 20 ft., along at least 50% of the perimeter length of the building base;<br><br>10 ft., along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c | 20 ft., along at least 50% of the perimeter length of the building base;<br><br>10 ft., along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c | See additional CUP findings in Note 2 below |
| Maximum average per story lot coverage above building base | N/A                         | N/A  | <u>70%</u> <del>65%</del> of site area or <u>15,000</u> <u>10,000</u> sf, whichever is greater  | <u>80%</u> <del>75%</del> of site area or <u>15,000</u> <u>10,000</u> sf, whichever is greater  | 2, 5  |
| Maximum tower elevation length                             | N/A                         | N/A  | 150 ft.   | 150 ft.   | 2, 5  |

| Regulation                                      | Height/Bulk/Intensity Areas |                      |         |         | Notes |
|---|-----------------------------|----------------------|---------|---------|-------|
|   | LM-45                       | LM- <del>95</del> 85 | LM-175  | LM-275  |       |
| Maximum diagonal length                         | N/A                         | N/A                  | 180 ft. | 180 ft. | 2, 5  |
| Minimum distance between towers on the same lot | N/A                         | N/A                  | 50 ft.  | 50 ft.  | 2     |

**Notes:**

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

2. Height Area Exceptions. In Height/Bulk/Intensity Areas LM-~~95~~85 and LM-175, a limited number of buildings, as prescribed above in Table 17.101G.04, may be allowed to utilize the same height/bulk/intensity standards that typically apply to either Height/Bulk/Intensity Area LM-175 or LM-275 upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

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

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

- i. Applications for any of the limited number of allowed height area exceptions prescribed in Table 17.101G.04 shall be reviewed on a first come, first served basis.
- ii. A project shall secure a position as one of the specified height area exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.
- iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.

Notwithstanding the provisions above, BART owned properties subject to Assembly Bill (AB) 2923 (2018) shall be permitted a building height of up to twelve (12) stories for all activities.

3. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030.

4. For mixed use projects in the D-LM Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.

5. The maximum tower elevation length, diagonal length, and average per story lot coverage above the building base may be increased by up to thirty percent (30%) upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- a. The proposal will result in a signature building within the neighborhood, City, or region based on qualities, including but not limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

#### **17.101G.060 Usable open space standards.**

A. **General.** This Section contains the usable open space standards and requirements for residential development in the D-LM Zones. These requirements shall supersede those in Chapter 17.126.

B. **Definitions of D-LM usable open space types.** The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:

1. **"Private Usable Open Space".** Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
2. **"Public Ground-Level Floor-Plaza".** Public ground-level floor-plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas shall be publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
3. **"Rooftop Open Space".** Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
4. **"Courtyard".** A courtyard is a type of group usable open space that can be located anywhere within the subject property.
5. **"Off-Site Open Space".** Off-site open spaces are group usable open space at ground-level street floor or podium-level within one thousand (1,000) feet of a residential development. Off-site open spaces shall be publicly accessible during daylight hours and are maintained by the property owner.
6. **"Community Room".** Community room can be located anywhere on the subject property and shall be available for use by all members of said residential development.

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

1. **Area.** On each lot containing Residential Facilities with a total of two (2) or more living units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at the following rates:

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

| Type of Living Unit  | Minimum Open Space Area Required                                     |
|--|--|
| Senior Housing Unit  | <del>Thirty-eight (38)</del> <u>Thirty (30)</u> square feet per unit |
| Affordable Housing Unit  | <del>Sixty (60)</del> <u>Thirty-eight (38)</u> square feet per unit  |
| Rooming Unit   | <del>Thirty-eight (38)</del> <u>Thirty (30)</u> square feet per unit |
| Efficiency Dwelling Unit   | <del>Thirty-eight (38)</del> <u>Thirty (30)</u> square feet per unit |
| Residential Unit within a Building on the Local Register of Historic Resources | <del>Thirty-eight (38)</del> <u>Thirty (30)</u> square feet per unit |
| Other Residential Unit   | <del>Seventy-five (75)</del> <u>Sixty (60)</u> square feet per unit  |

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

**Table 17.101G.06: Required Dimensions of Usable Open Space**

| Type of Usable Open Space | Minimum Dimension or Size   | Notes   |
|---------------------------|---|---|
| Private                   | 10 ft. for space on the ground floor, no dimensional requirement elsewhere. |   |
| Public Ground-Floor Plaza | 10 ft.  |   |
| Rooftop                   | 15 ft.  | Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward this dimension. |
| Courtyard                 | 15 ft.  |   |
| Off-Site Open Space       | 10 ft.  |   |
| Community Room            | 250 square feet   |   |

3. **Openness.** Except for indoor Community Rooms, there shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space

shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

4. **Location.** Required usable open space may be located anywhere on the lot, ~~except that not more than fifty percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.~~
  5. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
  6. **Accessibility.** Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot, ~~except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line.~~ Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- D. **Landscaping requirements.** At least ten percent (10%) ~~fifty percent (50%)~~ of rooftop, ~~or courtyard, or public ground-level plaza~~ usable open space area shall include landscaping enhancements. ~~At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements.~~ Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, ~~sidewalk cafes~~, or playground structures.
- E. **In-Lieu Fee.** The open space requirements of this Section may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements. The open space in-lieu fee shall be as set forth in the Master Fee Schedule. Open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
- F. **Variances.** Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to: (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter. The granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of

reducing or eliminating open space, except as provisions in state and local law requiring regulatory concessions for certain types of affordable and senior housing projects may apply.

**17.101G.070 Special regulations for Large-Scale Developments.**

No development 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. This requirement shall not apply to developments that include one hundred percent (100%) affordable housing units or where a valid Planned Unit Development permit is in effect.

## Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

### 17.101H.030 Permitted and conditionally permitted activities.

**Table 17.101H.01: Permitted and Conditionally Permitted Activities**

| Activities                    | Zones                |                      |           |                   |        |        | Additional Regulations |
|-------------------------------|----------------------|----------------------|-----------|-------------------|--------|--------|------------------------|
|                               | D-CO-1               | D-CO-2               | D-CO-3    | D-CO-4            | D-CO-5 | D-CO-6 |                        |
| <b>Residential Activities</b> |                      |                      |           |                   |        |        |                        |
| Permanent                     | P                    | P                    | —         | C(L4)             | —      | —      |                        |
| Residential Care              | P(L1)                | P(L1)                | —         | C(L1)(L4)         | —      | —      | 17.103.010             |
| Supportive Housing            | P                    | P                    | —         | C(L4)             | —      | —      |                        |
| Transitional Housing          | P                    | P                    | —         | C(L4)             | —      | —      |                        |
| Emergency Shelter             | <u>—P(L1)</u>        | <u>—P(L1)</u>        | —         | <u>—P(L1)(L4)</u> | —      | —      | 17.103.010             |
| Semi-Transient                | <u>C</u><br><u>P</u> | <u>C</u><br><u>P</u> | —         | <u>C(L4)</u>      | —      | —      | 17.103.010             |
| Bed and Breakfast             | —                    | —                    | —         | —                 | —      | —      | 17.10.125              |
| <b>Civic Activities</b>       |                      |                      |           |                   |        |        |                        |
| Essential Service             | P                    | P                    | P         | P                 | P      | P      |                        |
| Limited Child-Care Activities | P                    | P                    | <u>—C</u> | C(L6)             | —      | —      |                        |
| Community Assembly            | C                    | C                    | C         | C                 | C      | C      |                        |
| Recreational Assembly         | P                    | P                    | P         | P                 | C      | C      |                        |
| Community Education           | P                    | P                    | C         | C                 | —      | C      |                        |
| Nonassembly Cultural          | P                    | P                    | P         | P                 | C      | C      |                        |
| Administrative                | P                    | P                    | P         | P                 | C      | C      |                        |



| Activities                                    | Zones  |        |        |        |         |        | Additional Regulations    |
|---|--------|--------|--------|--------|---------|--------|---------------------------|
|   | D-CO-1 | D-CO-2 | D-CO-3 | D-CO-4 | D-CO-5  | D-CO-6 |                           |
| Health Care                                   | C      | C      | C      | C      | —       | —      |                           |
| Special Health Care                           | —      | —      | —      | —      | —       | —      |                           |
| Utility and Vehicular                         | C      | C      | C      | C      | C       | C      |                           |
| Extensive Impact                              | C      | C      | C(L5)  | C      | C       | C      |                           |
| <b>Commercial Activities</b>                  |        |        |        |        |         |        |                           |
| General Food Sales                            | P      | P      | P      | P(L2)  | P(L2)   | P(L2)  |                           |
| Full Service Restaurants                      | P      | P      | P      | P(L2)  | P(L2)   | P(L2)  |                           |
| Limited Service Restaurant and Cafe           | P      | P      | P      | P(L2)  | P(L2)   | P(L2)  |                           |
| Fast-Food Restaurant                          | C      | C      | C      | —      | —       | —      | 17.103.030 and 8.09       |
| Convenience Market                            | C      | C      | C      | C      | —       | C      | 17.103.030                |
| Alcoholic Beverage Sales                      | C      | C      | C      | C      | —       | —      | 17.103.030 and 17.114.030 |
| Mechanical or Electronic Games                | C      | P      | C(L6)  | —      | —       | —      |                           |
| Medical Service                               | P      | P      | C      | C      | C       | C      |                           |
| General Retail Sales                          | P      | P      | P      | P      | GP(L10) | P      |                           |
| Large-Scale Combined Retail and Grocery Sales | —      | C      | —      | —      | —       | —      |                           |
| Consumer Service                              | P(L8)  | P(L8)  | P(L8)  | P(L8)  | C       | C      | 17.102.170 and 17.102.450 |

| Activities                                    | Zones  |        |                      |        |        |        | Additional Regulations |
|---|--------|--------|----------------------|--------|--------|--------|------------------------|
|   | D-CO-1 | D-CO-2 | D-CO-3               | D-CO-4 | D-CO-5 | D-CO-6 |                        |
| Consultative and Financial Service            | P      | P      | P                    | P      | —      | —      |                        |
| Check Cashier and Check Cashing               | —      | —      | —                    | —      | —      | —      | 17.103.040             |
| Consumer Cleaning and Repair Service          | P      | P      | P                    | P      | —      | —      |                        |
| Consumer Dry Cleaning Plant                   | C      | C      | C                    | C      | —      | —      |                        |
| Group Assembly                                | P(L14) | P(L14) | C(L14)               | C(L14) | C(L14) | C(L14) |                        |
| Personal Instruction and Improvement Services | P      | P      | P                    | C      | C      | C      |                        |
| Administrative                                | P      | P      | P                    | P      | P      | P      |                        |
| Business, Communication, and Media Services   | P      | P      | P                    | P      | P      | P      |                        |
| Broadcasting and Recording Services           | P      | P      | P                    | P      | P      | P      |                        |
| Research Service                              | P      | P      | P                    | P      | P      | P      |                        |
| General Wholesale Sales                       | P(L2)  | P(L2)  | P(L3)                | P(L2)  | P      | P(L2)  |                        |
| Transient Habitation                          | C      | C      | C                    | C      | —      | C      | 17.103.050             |
| Building Material Sales                       | —      | —      | —                    | —      | C      | —      |                        |
| Automobile and Other Light                    | C      | C      | <u>C</u><br><u>P</u> | —      | —      | C      |                        |

| Activities   | Zones  |        |             |        |             |        | Additional Regulations |
|--|--------|--------|-------------|--------|-------------|--------|------------------------|
|  | D-CO-1 | D-CO-2 | D-CO-3      | D-CO-4 | D-CO-5      | D-CO-6 |                        |
| Vehicle Sales and Rental                                     |        |        |             |        |             |        |                        |
| Automobile and Other Light Vehicle Gas Station and Servicing | —      | —      | C(L11)      | —      | —           | —      |                        |
| Automobile and Other Light Vehicle Repair and Cleaning       | —      | —      | C(L11)      | —      | —           | —      |                        |
| Taxi and Light Fleet-Based Services                          | —      | —      | —           | —      | —           | —      |                        |
| Automotive Fee Parking                                       | C      | C      | C(L11)(L15) | C      | C           | C      |                        |
| Animal Boarding  | —      | —      | C(L11)(L13) | —      | —           | —      |                        |
| Animal Care  | C      | C      | C           | —      | —           | —      |                        |
| Undertaking Service  | —      | —      | —           | —      | —           | —      |                        |
| <b>Industrial Activities</b>                                 |        |        |             |        |             |        |                        |
| Custom Manufacturing   | P      | P      | P           | P      | P           | P      | 17.120                 |
| Light Manufacturing  | C      | P      | P           | P(L3)  | P           | P      | 17.120                 |
| General Manufacturing  | —      | —      |             | —      | C(L11)(L13) | —      | <u>17.103.065</u>      |
| Heavy/High Impact  | —      | —      | —           | —      | —           | —      |                        |
| Research and Development                                     | P      | P      | P           | P      | P           | P      |                        |
| Construction Operations                                      | —      | —      | —           | —      | C(L7)       | —      | <u>17.103.065</u>      |

| Activities  | Zones  |           |        |           |                   |        | Additional Regulations |
|---|--------|-----------|--------|-----------|-------------------|--------|------------------------|
|   | D-CO-1 | D-CO-2    | D-CO-3 | D-CO-4    | D-CO-5            | D-CO-6 |                        |
| Warehousing, Storage, and Distribution-Related:               |        |           |        |           |                   |        |                        |
| A. General Warehousing, Storage and Distribution              | —      | P(L3)(L9) | P(L9)  | P(L3)(L9) | P(L9)             | P(L9)  | <u>17.103.065</u>      |
| B. General Outdoor Storage                                    | —      | —         | —      | —         | C(L11)(L13)       | C(L13) |                        |
| C. Self- or Mini-Storage                                      | —      | —         | —      | —         | <del>C(L11)</del> | —      |                        |
| D. Container Storage  | —      | —         | —      | —         | —                 | —      |                        |
| E. Salvage/Junk Yards   | —      | —         | —      | —         | —                 | —      |                        |
| Regional Freight Transportation-Related:                      |        |           |        |           |                   |        |                        |
| A. Seaport  | —      | —         | —      | —         | —                 | —      |                        |
| B. Rail Yard  | —      | —         | —      | —         | —                 | —      |                        |
| Trucking and Truck-Related:                                   |        |           |        |           |                   |        |                        |
| A. Freight/Truck Terminal                                     | —      | —         | —      | —         | C(L7)             | —      | <u>17.103.065</u>      |
| B. Truck Yard   | —      | —         | —      | —         | C(L7)             | —      | <u>17.103.065</u>      |
| C. Truck Weigh Stations                                       | —      | —         | —      | —         | C(L7)             | —      | <u>17.103.065</u>      |
| D. Truck & Other Heavy Vehicle Sales, Rental & Leasing        | —      | —         | —      | —         | C(L7)             | —      | <u>17.103.065</u>      |
| E. Truck & Other Heavy Vehicle Service, Repair, and Refueling | —      | —         | —      | —         | C(L7)             | —      | <u>17.103.065</u>      |
| Recycling and Waste-Related:                                  |        |           |        |           |                   |        |                        |

| Activities   | Zones  |        |        |        |        |        | Additional Regulations |
|--|--------|--------|--------|--------|--------|--------|------------------------|
|  | D-CO-1 | D-CO-2 | D-CO-3 | D-CO-4 | D-CO-5 | D-CO-6 |                        |
| A. Satellite Recycling Collection Centers                              | —      | —      | —      | —      | —      | —      |                        |
| B. Primary Recycling Collection Centers                                | —      | —      | —      | —      | —      | —      | 17.73.035              |
| Hazardous Materials Production, Storage, and Waste Management-Related: |        |        |        |        |        |        |                        |
| A. Small Scale Transfer and Storage                                    | —      | —      | —      | —      | —      | —      |                        |
| B. Industrial Transfer/Storage   | —      | —      | —      | —      | —      | —      |                        |
| C. Residuals Repositories  | —      | —      | —      | —      | —      | —      |                        |
| D. Oil and Gas Storage   | —      | —      | —      | —      | —      | —      |                        |

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

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

**L2.** The total floor area devoted to these activities by any single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

**L3.** The total floor area devoted to these activities by any single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure, and Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones).

**L4.** This activity is only permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and to all of the following additional use permit criteria:

1. That the project is designed in a way that minimizes the potential health impacts of locating a residential use near the surrounding activities;
2. That new development will meet residential environmental safety standards;
3. That the design of the development and site accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters in a manner that protects both human infrastructure as well as the natural aquatic resources of San Leandro Bay;
4. That avigation easements for the Oakland International Airport will be negotiated with future owners or tenants, and deed disclosures about proximity to Airport operations will be made; and
5. That measures that minimize adverse impacts to the surrounding activities have been incorporated into the project.

**L5.** The Extensive Impact Civic Activity category includes, but is not limited to, stadiums and sports arenas (see Section 17.10.240.Q). In the D-CO-3 Zone, stadiums and sports arenas are only allowed in the area between Damon Slough and Elmhurst Creek.

**L6.** Conditionally permitted if located in the D-CO-3 or D-CO-4 Zones between Damon Slough and Elmhurst Creek; prohibited if located elsewhere in the D-CO-3 or D-CO-4 Zones (see Chapter 17.134 for the CUP procedure).

**L7.** In the D-CO-5 Zone, these activities are only allowed in the area between San Leandro Creek and Doolittle Drive. See also Section 17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

**L8.** See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to Laundromats.

**L9.** Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

**L10.** Permitted ~~outright~~ if located within ~~five hundred (500)~~ one thousand (1,000) feet of Highway 880 or Hegenberger Road; conditionally permitted if located elsewhere throughout the zone (see Chapter 17.134 for the CUP procedure).

**L11.** Except for such uses that are accessory to an approved Automobile and Other Light Vehicle Sales and Rental Commercial Activity, these activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way. See also Section

17.103.065 for special findings and additional requirements for Truck-Intensive Industrial Activities in the M, CIX, IG, IO, D-CE-5, D-CE-6, D-CO-5, and D-CO-6 Zones.

**L12.** This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.

**L13.** Any Outdoor Storage activities to be located within six hundred (600) ~~three hundred (300)~~ feet of: a) the Oakport Street right-of-way; b) the Estuary or Bay shoreline; c) the Damon Slough, Elmhurst Creek, East Creek Slough, or San Leandro Creek top of bank; or d) any Open Space Zone shall only be permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and to all of the following additional use permit criteria:

**a1.** The activity is screened in a manner as determined by the Planning Director, including but not limited to, buffer planting installed along the site exterior; and

**b2.** The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding district in terms of noise, water and pollutant runoff, heavy equipment operation, hours of operation, odor, security, and vehicular traffic.

**L14.** No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities.

**L15.** Existing automotive fee parking lots within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.

**L16.** Limited Agriculture is permitted ~~outright~~ if the activity occupies less than twenty thousand (20,000) square feet ~~one (1) acre~~ of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

**L17.** Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

**17.101H.040 Permitted and conditionally permitted facilities.**

**Table 17.101H.02: Permitted and Conditionally Permitted Facilities**

| Facilities                          | Zones    |          |        |          |        |        | Additional Regulations          |
|-------------------------------------|----------|----------|--------|----------|--------|--------|---------------------------------|
|                                     | D-CO-1   | D-CO-2   | D-CO-3 | D-CO-4   | D-CO-5 | D-CO-6 |                                 |
| <b>Residential Facilities</b>       |          |          |        |          |        |        |                                 |
| One-Family Dwelling                 | —(L4)    | —(L4)    | —      | —        | —      | —      | 17.103.080                      |
| Two- <u>to</u> Four-Family Dwelling | P(L5)    | P(L5)    | —      | C(L5)    | —      | —      | 17.103.080                      |
| Multifamily Dwelling                | P(L5)    | P(L5)    | —      | C(L5)    | —      | —      | 17.103.080                      |
| Rooming House                       | <u>P</u> | <u>P</u> | —      | <u>C</u> | —      | —      |                                 |
| Vehicular                           | P        | P        | —      | C        | —      | —      | <u>17.103.080</u><br>17.103.085 |

### 17.101H.050 Property development standards.

**Zone Specific Standards.** Table 17.101H.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified zone.

**Table 17.101H.03 Property Development Standards**

| Development Standards               | Zones  |        |          |        |        |          | Additional Regulations |
|-------------------------------------|--------|--------|----------|--------|--------|----------|------------------------|
|                                     | D-CO-1 | D-CO-2 | D-CO-3   | D-CO-4 | D-CO-5 | D-CO-6   |                        |
| <b>Minimum/Maximum Setbacks</b>     |        |        |          |        |        |          |                        |
| Minimum front                       | 0 ft.  | 0 ft.  | 0/10 ft. | 0 ft.  | 10 ft. | 0/10 ft. | 2, 10                  |
| Minimum interior side               | 0 ft.  | 0 ft.  | 0 ft.    | 0 ft.  | 0 ft.  | 0 ft.    | 2, 10                  |
| Minimum street side of a corner lot | 0 ft.  | 0 ft.  | 0 ft.    | 0 ft.  | 10 ft. | 10 ft.   | 2, 10                  |
| Rear (Residential Facilities)       | 10 ft. | 10 ft. | N/A      | 10 ft. | N/A    | N/A      | 2, 3, 10               |
| Rear (Nonresidential Facilities)    | 0 ft.  | 0 ft.  | 0 ft.    | 0 ft.  | 0 ft.  | 0 ft.    | 3, 10                  |
| <b>Height Regulations</b>           |        |        |          |        |        |          |                        |



| Development Standards  | Zones   |         |   |                                 |                                 |                                 | Additional Regulations   |
|--|---------|---------|---|---------------------------------|---------------------------------|---------------------------------|--|
|  | D-CO-1  | D-CO-2  | D-CO-3  | D-CO-4                          | D-CO-5                          | D-CO-6                          |  |
| Maximum height   | 159 ft. | 159 ft. | <u>100 ft./</u><br><u>145 ft.</u><br><u>159 ft.</u> | <u>100 ft.</u><br><u>85 ft.</u> | <u>100 ft.</u><br><u>85 ft.</u> | <u>100 ft.</u><br><u>85 ft.</u> | 4, 5, 6<br>Exceptions to the maximum height in the <u>D-CO Zones of 159 feet</u> may <u>only</u> be allowed in <del>D-CO-1, 2, and 3,</del> pursuant to the additional regulations in this Table |
| Maximum fence height adjacent to <u>Residential and Open Space Zones</u> | 8 ft.   | 8 ft.   | 8 ft.   | 8 ft.                           | 8 ft.                           | 8 ft.                           |  |
| <b>Minimum Usable Open Space</b>   |         |         |   |                                 |                                 |                                 |  |
| Usable Open Space per Regular Dwelling Unit                              | 75 sf.  | 75 sf.  | N/A   | <u>75 sf.</u><br><u>100 sf.</u> | N/A                             | N/A                             |  |
| Usable open space per Rooming Unit                                       | 38 sf.  | 38 sf.  | N/A   | <u>38 sf.</u><br><u>50 sf.</u>  | N/A                             | N/A                             |  |
| Usable open space per Efficiency Dwelling Unit                           | 38 sf.  | 38 sf.  | N/A   | <u>38 sf.</u><br><u>50 sf.</u>  | N/A                             | N/A                             |  |

**Additional Regulations for Table 17.101H.03:**

2. In the D-CO-3, D-CO-5 and D-CO-6 Zones, a minimum front yard setback area of ten (10) feet shall apply to frontages adjacent to the Hegenberger Road and Oakport Street right-of-way, ~~except for retail and similar facilities oriented toward pedestrian activity.~~ This minimum front yard ~~in the D-CO-3 Zone, where applicable,~~ shall be developed as open landscaped areas, including but not limited to lawn, ground cover, shrubs, trees, and decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. In the D-CO-1, D-CO-2, and D-CO-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.

4. The height of all structures shall be subject to Federal Aviation Administration (FAA) regulations. Notwithstanding anything to the contrary contained in the Planning Code, buildings and structures in the D-CO zoned areas between Doolittle Drive, Swan Way, Pardee Drive, and Hegenberger Road shall not exceed a maximum height of one hundred (100) feet above mean sea level and the maximum applicable Federal Aviation Regulations (FAR) Part 77 surfaces height of the Oakland International Airport Land Use Compatibility Plan.

5. Exceptions to Height Standards. In the ~~D-CO Zones, D-CO-1, D-CO-2, and D-CO-3,~~ buildings and structures may only be allowed to exceed the ~~maximum height of one hundred fifty nine (159) feet above mean sea level and the maximum applicable Federal Aviation Regulations (FAR) Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan in the following situation; only:~~

- a) The proposed structure has been reviewed by the FAA in accordance with FAR Part 77 and the City receives:
  - i) An FAA finding that the structure is “No Hazard To Air Navigation” and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an Alameda County Airport Land Use Commission (ALUC) determination that the proposed structure is consistent with the Oakland International Airport Land Use Compatibility Plan (ALUCP); and
  - ii) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards; and
- b) The additional height has received approval pursuant to the City’s Conditional Use Permit procedure (see Chapter 17.134).

6. Buildings shall have an ninety-five (95) ~~eighty-five (85)~~ foot maximum height when located within one hundred (100 feet) of any lot line that abuts a lot in a RH, RD, RM, RU, or S-15 Zone. In addition, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abuts a lot in a RH, RD, RM, or RU Zone; if the principal building on the abutting lot has a height of thirty (30) feet or less, this maximum height shall increase one (1) foot for every foot of distance away from this setback line. If the principal building on the abutting lot has a height of greater than thirty (30) feet, the maximum height shall increase two (2) feet for every foot away from the applicable setback line (see Illustration for Table 17.101H.03 [Additional Regulation 6], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations.

#### **17.101H.080 Special regulations for ~~L~~arge-~~S~~cale ~~D~~evelopments.**

No development 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, 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 include one hundred percent (100%) affordable housing units or where a valid Planned Unit Development permit is in effect.

#### **17.101H.090 Special regulations for Planned Unit Developments.**

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

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

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

**17.101J.030 – Permitted and conditionally permitted activities.**

**Table 17.101J.01: Permitted and Conditionally Permitted Activities**

| Activities                    | Primary Zones      |                    |                    |                    |                    |                    |                    | Additional Regulations |
|-------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|------------------------|
|                               | D-OK-1             | D-OK-2             | D-OK-3             | D-OK-4             | D-OK-5             | D-OK-6             | D-OK-7             |                        |
| <b>Civic Activities</b>       |                    |                    |                    |                    |                    |                    |                    |                        |
| Essential Service             | <u>P(L4)(L1 4)</u> | <u>P(L4)(L1 4)</u> | <u>P(L4)(L1 4)</u> | <u>P(L4)(L1 4)</u> | <u>P(L4)(L1 4)</u> | <u>P(L4)(L1 4)</u> | <u>P(L4)(L1 4)</u> |                        |
| Limited Child-Care Activities | P                  | P                  | P                  | P                  | P                  | —                  | —                  |                        |
| Community Assembly            | C                  | C                  | C                  | C                  | P                  | P(L3)              | —                  |                        |
| Recreational Assembly         | C                  | C                  | C                  | P                  | C                  | P(L4)              | —                  |                        |
| Community Education           | C                  | C                  | C                  | C                  | C                  | —                  | —                  |                        |
| Nonassembly Cultural          | C                  | C                  | C                  | P                  | P                  | —                  | —                  |                        |
| Administrative                | —                  | —                  | —                  | P                  | P                  | —                  | —                  |                        |
| Health Care                   | —                  | —                  | —                  | C(L5)              | P(L6)              | —                  | —                  |                        |
| Special Health Care           | —                  | —                  | —                  | —                  | —                  | —                  | —                  | 17.103.020             |
| Utility and Vehicular         | C                  | C                  | C                  | C                  | —                  | —                  | —                  |                        |
| Extensive Impact              | —                  | —                  | —                  | —                  | —                  | —                  | —                  |                        |

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

**L4.** The following Recreational Assembly and Essential Service Civic Activities are permitted: playgrounds and playing fields; basketball courts, tennis courts, handball courts, lawn bowling, leisure areas, and similar outdoor park and recreational facilities; picnic areas; community gardens; dog run areas; and uses accessory to these permitted uses. The following Recreational Assembly Civic Activities are conditionally permitted: food service and other concessions; temporary nonprofit festivals; community outdoor swimming and wading pools, and other water play features; and permanent bleacher seating and outdoor field lighting.

**L5.** In addition to the Conditional Use Permit (CUP) criteria required under Section 17.134.050, as modified by Section 17.101J.070, the following additional criteria also must be met:

1. That the proposal will not interfere with the operations of the surrounding uses;
2. That the proposal will not exceed five thousand (5,000) square feet on the ground floor; and
3. That the proposal will not interfere with the movement of people along the sidewalk or pedestrian walkways.

**L7.** The total floor area devoted to these activities is limited to five thousand (5,000) square feet.

**L8.** See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations relating to laundromats. ~~Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

**L12.** In areas with existing kitchen facilities, Custom Manufacturing Activities that require a kitchen, such as beverage and food production, are permitted. Temporary demonstrations, educational programs, and workshops about any custom manufacturing activity are permitted. Commercial kitchen operations that include the retail sale, from the premises, of any type of prepared food or beverage where orders are placed predominantly online or by telephone or mail order, and delivery to customers is provided by motor vehicle shall only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). The permanent establishment of Custom Manufacturing Activities that do not require kitchens or in any area that does not contain existing kitchen facilities requires a Major Conditional Use Permit.

**L13.** Other than Community Gardens (see Note L14), Limited Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 and Section 17.101J.070 for the CUP procedure and criteria). In addition to the CUP criteria contained in Section 17.134.050 and Section 17.101J.070, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

**L14.** Community Gardens are permitted ~~outright~~ if they do not include any livestock production or the cultivation of animals and/or, animal products by agricultural methods, and/or livestock production, except for bee keeping involving no more than three (3) hives. ~~The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

**17.101J.040 – Permitted and conditionally permitted facilities.**

**Table 17.101J.02: Permitted and Conditionally Permitted Facilities**

| Facilities | Zones |  |
|------------|-------|--|
|            |       |  |

|                                  | D-OK-1 | D-OK-2 | D-OK-3 | D-OK-4 | D-OK-5 | D-OK-6 | D-OK-7 | Additional Regulations          |
|----------------------------------|--------|--------|--------|--------|--------|--------|--------|---------------------------------|
| <b>Residential Facilities</b>    |        |        |        |        |        |        |        |                                 |
| One-Family Dwelling              | P(L5)  | P(L5)  | C(L5)  | —      | —      | —      | —      | 17.103.080                      |
| Two- to Four-Family Dwelling     | —      | —      | P(L5)  | —      | —      | —      | —      | 17.103.080                      |
| Multifamily Dwelling             | —      | —      | P(L5)  | —      | —      | —      | —      | 17.103.080                      |
| Rooming House                    | —      | —      | —      | —      | —      | —      | —      |                                 |
| Vehicular                        | P      | P      | C      | —      | —      | —      | —      | <u>17.103.080</u><br>17.103.085 |
| <b>Nonresidential Facilities</b> |        |        |        |        |        |        |        |                                 |
| Enclosed Nonresidential          | —      | —      | —      | P      | P      | C      | —      |                                 |
| Open Nonresidential              | P      | P      | P      | C      | C      | P      | P      |                                 |
| Sidewalk Cafe                    | —      | —      | —      | P(L1)  | —      | —      | —      | 17.103.090                      |
| Drive-In                         | —      | —      | —      | —      | —      | —      | —      |                                 |
| Drive-Through                    | —      | —      | —      | P(L2)  | —      | —      | —      | 17.103.100                      |

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

**L1.** Sidewalk Cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:30 p.m. See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

**L5.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.101J.080 – Other zoning provisions.**

- J. Hillside Subdivisions. The regulations set forth in Oakland Municipal Code Chapter 16.28 shall not apply in the D-OK Zones.