

Attachment B:

Planning Code Amendments to Work/Live Units and Live/Work Units Sections of Chapters 17.65, 17.73, 17.101E and 17.101K of the Planning Code to Correspond with Building Code Updates.

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 ~~striketrough~~. Note that only the relevant code subsections being amended are included and unamended portions of tables are omitted.

Chapters:

Title 17 Planning

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

17.65.150 Special regulations for HBX Work/Live units.

17.65.160 Special regulations for HBX Live/Work units.

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

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

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

17.101E.070 Special regulations for D-CE Work/Live Units.

Chapter 17.101K D-DT DOWNTOWN DISTRICT ZONES REGULATIONS

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

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

17.65.150 Special regulations for HBX Work/Live units.

E. Each new HBX Work/Live unit shall qualify as at least one of the following Unit Types:

Unit Type	Maximum residential floor area (percent of total floor area)	Special requirements	Separation between residential and nonresidential floor area
Type 1	One third 50 percent	In the HBX-4 Zone, all remaining floor area to be used for the primary Nonresidential Activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 2	45 percent 50 percent	There must be two entrances into the ground floor units - one adjacent to the residential space and the other adjacent to the nonresidential space; the nonresidential ground floor entrance must be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 3	55 percent	1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and 2. The ground floor units must have a clearly designated business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).

Notes:

1. In Types 1, 2, and 3, a kitchen may be open to nonresidential floor area if it is adjacent to and directly accessible from residential floor area or stairs that lead to residential floor area. Counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.
2. Except as indicated for the HBX-4 Zone, see Section 17.102.190 for

regulations regarding converting facilities originally designed for industrial or commercial occupancy to Joint Living and Working Quarters.

17.65.160 Special regulations for HBX Live/Work units.

E. The amount of floor area in an HBX Live/Work unit designated for and devoted to residential is not restricted but the portion dedicated to nonresidential is subject to Building Code requirements.

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

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

F. A Work/Live unit shall consist of a maximum of one-third (1/3) fifty percent (50%) residential floor area with the remaining fifty percent (50%) floor area to be used for the primary Nonresidential Activity. All required plans for the creation of Work/Live units shall: (1) delineate areas designated to contain Residential Activities and areas designated to contain Nonresidential Activities, and (2) contain a table showing the square footage of each unit devoted to Residential and Nonresidential Activities.

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

17.101E.070 Special regulations for D-CE Work/Live Units.

E. Table 17.101E.07 below describes the different types of D-CE Work/Live units. Each new Work/Live unit shall qualify as at least one of the following Unit Types:

Table 17.101E.07 Definitions of the Different Types of D-CE Work/Live Units

Unit Type	Maximum residential floor area	Special requirements	Separation between residential and nonresidential floor area	Additional Regulations
Type 1	<u>One-third</u> <u>50 percent</u>	All remaining floor area to be used for the primary Nonresidential Activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall. (see Note 2, below, for an exception for kitchens)	1, 2, <u>3</u>
Type 2	50 percent	1. At least <u>75%50%</u> of the ground floor must be dedicated to nonresidential floor area; and	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall. (see Note 2, below, for an exception for kitchens).	1, 2, 3

		2. The ground floor must be directly accessible to the street and have a clearly designated business entrance.	
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Additional Regulations for Table 17.101E.07:

1. All required plans for the creation of D-CE Work/Live units shall: (1) delineate areas designated to contain Residential Activities and areas designated to contain Nonresidential Activities, and (2) contain a table showing the square footage of each unit devoted to Residential and Nonresidential Activities.
2. For Work/Live in D-CE-3 and D-CE-4 Zones, a kitchen may be open to non-residential floor area if the kitchen is adjacent to and directly accessible from residential floor area or stairs that lead to residential floor area. In these kitchens not separated by an interior wall, the kitchen is only required to be separated from the nonresidential floor area by a partition that can be opened and closed.
3. Each D-CE-3 and D-CE-4 Work/Live unit shall contain no more than one (1) fully equipped kitchen. A D-CE-3 and D-CE-4 Work/Live unit may contain a second sink and counter to serve the nonresidential floor area.

Chapter 17.101K D-DT DOWNTOWN DISTRICT ZONES REGULATIONS

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

E. ~~At least two-thirds~~ **Fifty percent (50%) of each unit** shall be designated for working activities. Working and living activities shall be designated according to the following requirements:

1. In unpartitioned kitchens or work areas that include kitchen fixtures and appliances, the following areas are considered living space: the counters, cabinets, eating space, sink and appliances in the area that will function as a kitchen and the floor area that is four (4) feet in front these items.
2. If there is only one bathroom, half the bathroom shall be counted as living space and half shall be counted as workspace. Otherwise, bathrooms are counted as living space if their access is through living space. For instance, a bathroom in a loft is considered living space if the loft is a sleeping area. If the bathroom is accessed directly from the workspace, the bathroom shall be counted as workspace. If accessed directly from both, half the bathroom is considered living space and the other half commercial.
3. Interior hallways and closets shall be counted as part of the space to which they are adjacent.

4. Living and working spaces shall be within the same Work/Live Unit and be directly connected.
5. To accommodate flexible work activities, working areas shall be open and with as few interior walls as possible. “Offices” enclosed by four walls are considered living space because they are indistinguishable from bedrooms and cannot be used flexibly for different working activities.
6. All ground-floor units adjacent to the front façade shall have a street entrance directly into the working area. For these units, the working area shall be adjacent to the street right-of-way.