

DOSP Zoning Glossary of Terms

General Terms:

- **Design review** – The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards. Design review is typically performed by a specially established design review board or committee; in Oakland it is the Planning Commission’s Design Review Committee.
- **Dwelling units** – A room or suite of rooms providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. There are different types of dwelling units, including single family dwelling units (a building designed exclusively for and occupied exclusively by one household) and multifamily dwellings (a building containing four or more individual dwellings with separate cooking and toilet facilities for each dwelling). See Oakland Municipal Code Chapter 17.09.040 Definitions for a complete description.
- **Ministerial, administrative or “over the counter” vs. discretionary decisions** – Ministerial or administrative decisions are decisions where the local permitting agency and its staff have no discretion over individual project approvals (e.g., zoning or building permits). Such permits are issued at the staff level and typically do not require a public hearing or neighborhood notice. Discretionary decisions are decisions made by or on behalf of a local decision-making body (typically the Planning Commission, or in rare cases, City Council) that either approve or deny projects based on subjective reasoning, including review of design and potential beneficial or negative effects on the community. A public hearing may be required for discretionary decisions.
- **Mixed-use development** – Development of a piece of land, building, or structure with two or more different uses, such as commercial/civic and residential. Mixed-use developments in Oakland typically have commercial uses on the ground floor and residences above.
- **Overlay/combining zone/district** – An overlay or combining zone is a zoning district superimposed upon another zoning district which supersedes, modifies or supplements the underlying regulations. In Oakland, the Very High Fire Hazard Severity Zone, Medical Center Commercial Zone, Transit-Oriented Development Commercial Zone limited height districts and commercial overlay districts are examples of overlay districts.
- **Parcel or lot** – A boundary-delimited piece of land occupied or intended to be occupied by a permitted use.
- **Permit** – A planning permit is a document issued by the Planning and Building Department allowing a person to undertake certain activities or construct certain facilities or buildings. To receive a permit, such an activity or facility must meet zoning rules. A permitted activity may be allowed by right (although exceptions may apply), or may only be permitted under certain conditions, depending on the regulations for the particular district.

- **Preservation** – Protecting beneficial uses in their present, restored or carefully adapted condition. Examples of such uses include open space, historic buildings or unique cultural resources.
- **Specific Plan** – A tool for a city to implement the policies of its General Plan within a certain geographic area. It must be consistent with the General Plan, but should provide additional detail unique to the planning area.
- **Zoning District** – A zoning district is an area of the city within which zoning regulations govern land use, building appearance, location, bulk, and density, and other use and development standards.
- **Zoning Variance** – Permission to depart from the Planning Code as it applies to a specific property when, under certain circumstances, strict interpretation of the Planning Code deprives the property of privileges enjoyed by other properties in the vicinity that are subject to the same zoning.

Land Use Classifications (Activity Types and Facility Types)

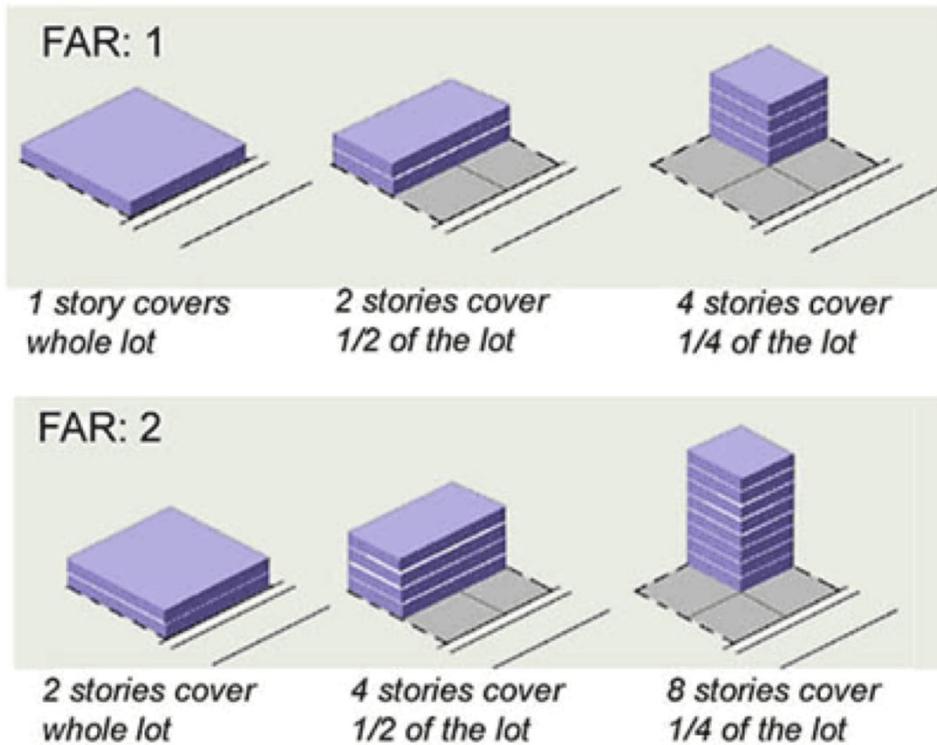
- **Accessory activity:** an activity which is incidental to, and customarily associated with, a specified principal activity. For example, using a room in a residence or converting a garage into an office for the purposes of work is an accessory activity because it is associated with the primary residential activity on the same lot. An activity that otherwise might be prohibited in a particular zoning district may be allowed as an accessory to a permitted activity.
- **Allowable uses** – an activity or facility in a particular zone will be prohibited, permitted, or conditionally permitted:
 - **Prohibited:** Activities and/or facilities may be prohibited either citywide or in a particular zoning district. They are expressly prohibited unless otherwise indicated elsewhere in the zoning code.
 - **Permitted:** Activities and/or facilities are considered permitted in a particular zoning district if zoning regulations allow them and they meet all development standards.
 - **Conditionally Use Permitted (CUP)** – Activities and/or facilities may that can only be established upon the granting of a Conditional Use Permit (CUP). A CUP is a permit issued at the City’s discretion to allow for a use that would otherwise be prohibited, so long as it meets certain criteria, or “findings.” CUP findings typically include criteria requiring that the activity will benefit the community and/or will not negatively impact the community. CUPs are approved with various standard and project specific conditions to reduce the impact or improve the appearance of the proposal.
- **Artisan Production:** the creation, exhibition, and on-site sale of art and artisan products. This includes street-oriented displays of artistic products and publicly accessible studio and sales spaces. These activities do not include manufacture, fabrication or production processes that produce noise, vibration, air pollution, fire hazard, or noxious emissions that could disturb or endanger neighboring properties.
- **Arts & Culture:** the production, display, sale of or otherwise dissemination of artistic and cultural expression. These types of activities also include operations that increase cultural awareness, serve and strengthen ethnic communities harmed by racial disparities, and educate Oakland residents about art and cultural practices and histories. Arts and culture is further defined as either Administrative Arts and Culture or Active Arts and Culture.

- **Facility** – A structure or place which is built, installed, or established to serve a particular purpose. Facilities may contain residential, commercial, civic or manufacturing activities. They may be enclosed buildings or outdoor structures open to the elements. Facilities containing commercial, civic, manufacturing activities are considered nonresidential facilities.
- **Land use or land use activity** – A land use is any activity, occupation, business or operation which is conducted in a building or on a parcel of land. Examples include retail, office, industrial, residential, and entertainment uses.

Development Standards

- **Building base** - The portion of a building immediately above finished grade (usually ground-level) to the maximum total base height as described in an individual zoning designation. This is the portion of the building below the tower.
- **Building frontage** - the side of the building oriented toward and visible from the main street.
- **Building mass/envelope** – The three-dimensional bulk of a building: height, width, and depth.
- **Building terminus** - the top of a building; different building terminus designs have an impact on the way the entire building is perceived.
- **Bulk** – The volume, shape and spacing of buildings on the land.
- **Density** – Density refers to the maximum number of dwelling units permitted on a zoning lot. There are a wide range of housing type densities. Lower density zones have a lower maximum number of dwelling units permitted on the given zoning lot, while higher density zones have a higher maximum number of dwelling units permitted on-site. Different housing densities promote different types of neighborhood characters.
- **Design regulations:** the rules established to determine how specific building types and development projects are designed to achieve the community's aesthetic priorities or intended character. Typically these rules do not restrict the style of a building, but encourage design that creates a pleasant, consistent and safe public space outside the buildings.
- **Development standards:** the rules and regulations that apply generally to buildings and structures of a specific type. Examples are building height, distance between structures and property lines (setbacks) and percent of the lot covered with structures (e.g., house and garage).
- **Floor Area Ratio (FAR):** a zoning tool to measure how intensely a particular lot is built out. Often expressed as a ratio (e.g., 4:1), whole number (e.g., 4.0), or rational number (e.g., 4.5), FAR calculates a building's total square footage relative to the total size of the lot on which the building stands. For example, as illustrated in Figure 1, a 1.0 FAR on a 10,000 square foot lot could look like a one-story, 10,000 square foot building that covers the whole lot, or a two-story building that covers half of a 10,000 square foot lot, where each floor of the two-story building is 5,000 square feet (10,000 total building square footage / 10,000 sq ft total lot size = 1.0 FAR). A 2.0 FAR on a 10,000 square foot lot might look like a two-story building covering the entire lot, where each floor is 10,000 square feet (20,000 total building square footage / 10,000 sq ft total lot size = 2.0 FAR) (see Figure 1). In Oakland, FAR applies to nonresidential activities, only.

Figure 1: Illustration of FAR



Source: [Metropolitan Council](#), 2015.

- **Intensity** - Intensity refers to the total building capacity allowed on a site, typically described per square foot of developable space; this is determined by multiple factors, including allowed number of residential units, floor area ratio (FAR) and height.
- **Lot coverage:** the total land area covered by all of the structures on a lot or parcel. Lot coverage may be one type of development standard.
- **Low Impact Development** - Facilities designed to detain and clean, capture and reuse, or infiltrate stormwater runoff to reduce the volume of runoff and improve water quality.
- **Minimum/maximum setbacks** - A setback is the minimum or maximum distance from a structure and the property lines of the lot in which it is located. These are intended to be generally consistent along a street front. In some areas larger setbacks are required to encourage landscaping, light and a park-like character. In other areas smaller setbacks are required to ensure that streets feel comfortable, businesses and sidewalks are lively and interactive, and traffic takes a cue to slow down for pedestrians.
- **Minimum lot size and dimensions** - A requirement for the size of an individual parcel to be equal to or greater than a specified square footage, frontage, and lot width. These regulations allow significant construction to be feasible on newly created parcels.
- **Public realm** – The public realm includes publicly owned places and spaces that belong to and are accessible by everyone. These include municipal streets, lanes, squares, plazas, sidewalks, trails, parks, open spaces, waterfronts, public transit systems, conservation areas, and civic buildings and institutions.

- **Residential vs. nonresidential tower standards** – Towers are the portion of a building that is higher than the remainder of the building, or a tall structure of small dimension separate from the building it accompanies, such as the campanile of a church. Zoning rules or standards that apply to towers, including setbacks, height, and lot coverage may be different from the building base to ensure sufficient air and light flow for pedestrians at the ground-level. A tower may be occupied by residential, commercial or community facility uses. Towers with commercial or community facility uses are considered nonresidential towers.
- **Rooming unit** - A rooming unit is a room or suite of rooms, not including a kitchen, designed or occupied as separate living quarters, with or without common boarding provisions. One example of a rooming unit is a Single Room Occupancy unit. See Oakland Municipal Code Chapter 17.09.040 Definitions for a complete description.
- **Step-backs** – Building step-backs require that buildings above a certain height are further pushed back to the center of the building. Step-backs ensure that taller buildings are not too massive, looming and uncomfortable for pedestrians. They allow for light and air flow.
- **Street frontage** – The front property line, construction at which has a significant impact on the experience of people in the public realm.

Transfer of Development Rights

- **Development rights** – Development rights are the maximum allowed floor area and number of dwelling units permissible at a development site.
- **Net development rights** – Net development rights is the difference between the development rights on a lot and the existing floor area and/or number of dwelling units on the same lot. For example, if the underlying zoning permits a maximum of fifty (50) dwelling units on a lot, and the same lot contains forty (40) dwelling units, then the net development rights for density transfer is ten (10) dwelling units.
- **Transfer of development rights** – Allows for the transfer of some or all of the net development rights from a sending site to a designated receiving site, resulting in an increase in number of dwelling units and/or floor area at the receiving site above the limit established in the zoning regulations that otherwise would apply. For example, a transfer of development rights for number of dwelling units has occurred if a sending site transfers its development rights for ten (10) dwelling units to allow a receiving site to construct ten (10) dwelling units more than normally permitted in the zoning regulations. In this case, once the sending site has transferred its net development rights, the sending site would not be permitted to contain more than the existing forty (40) dwelling units because it transferred the rest of the site's development rights to a receiving site.
- **Sending site** – A specific lot that sends some or all of its net development rights to another proposed development site.
- **Receiving site** – A development site that receives net development rights from a sending site.
- **(Potentially) Designated Historic Property** – An individual site or feature (which may or may not be a structure), or a site with a structure or structures on it, that has particular importance because of its unique architectural, historical, cultural, or archaeological features, designated as a historic district or

eligible for designation on the City's list of historic landmarks and properties, or inclusion at the federal level on the National Register of Historic Places or by designation as National Historic Landmarks.

- **Area of Secondary or Primary Importance** – An Area of Primary Importance (API) is a historically or visually cohesive area or group of properties. At least two-thirds of the properties within an API must reflect the API's principal historical or architectural themes. An Area of Secondary Importance (ASI) is similar to an API except that: 1. An ASI does not appear eligible for the National Register of Historic Places and 2. Altered properties that do not currently contribute to the ASI but would if restored are counted as contributors for purposes of the two-thirds threshold.

Zoning Incentive Program

- **"Bonus" intensity or development capacity** – Additional ("bonus") intensity allowances above the base typically allowed in return for providing public benefits, such as on-site low-income housing.
- **In-lieu fee** – When a developer is required to build units or provide services on-site, or opts to do so in return for bonus development capacity, they are often given the option to pay a fee as an alternative.
- **Zoning Incentive Program** – A zoning tool to encourage a certain type of development through a bonus offered to developers, usually in the form of additional height, density or FAR, in exchange for providing a public amenity or other public benefit, such as affordable housing or commercial space rented for below market rate. The Zoning Incentive Program is built into the zoning ordinance.

References

- City of Oakland Municipal Code, Title 17 Planning:
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- American Planning Association: <https://www.galvestontx.gov/DocumentCenter/View/2265/APA-Planning-Dictionary-2004-PDF?bidId=>
- NYC Planning Glossary of Zoning Terms: <https://www1.nyc.gov/site/planning/zoning/glossary.page>
- Wisconsin Department of Natural Resources: https://changingroles.interfacesouth.org/changing-roles/related-resources/module-3/Land_Use_Lingo.pdf
- Institute for Local Government: https://www.ca-ilg.org/sites/main/files/file-attachments/2010_-_landuseglossary.pdf?1387496123
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