

Location: Citywide

Item: Review proposed citywide Planning Code amendments, including proposals to: 1) Revise regulations for Secondary Units; 2) Amend Transitional and Supportive Housing regulations to comply with State law; 3) Revise Home Occupations regulations; 4) Reduce restrictions on Commercial Activities in R-80 Zone; 5) Revise development standards in RM and RU Zones; 6) Allow Custom Manufacturing with Conditional Use Permit (CUP) on the ground floor in CN Zones; 7) Increase minimum ground floor height in RU, CN and CC Zones; 8) Revise CR Zone front setback; 9) Permit 'Group Assembly' and 'Personal Instruction Services' in C-45 Zone; 10) Amend Height and Bulk Standards in CBD Zones; 11) Revise density ranges in HBX Zones; 12) Revise HBX-1 open space and height regulations; 13) Modify density ranges for the 55-ft., 60-ft. and 75-ft. height map areas; 14) Revise development standards in D-CE-3 and D-CE-4 Zones, including allowing a reduction in setbacks through design review; 15) Eliminate CUP for Auto Sales in D-CO-3 when adjacent to Oakport St.; 16) Reduce zones allowing Electroplating Activities; 17) Require sidewalk cafés to maintain at least 50% of sidewalk width for pedestrian purposes; 18) Revise allowed height projections for parapets and other decorative features; 19) Reduce parking standard, clarify allowed height area exceptions, and amend Height and Bulk Standards in the D-LM Zones; 20) Amend procedure for resolving tie votes at the Planning Commission; 21) Allow for more Transfer of Development Rights; 22) Amend code to specify need for timely Planning Commission recommendations; 23) Add provisions regarding inactive Planning applications; 24) Amend major CUP and Design Review thresholds; 25) Revise mini-lot regulations; 26) Standardize thresholds for "large-scale development"; and 27) Make minor Planning Code Text changes to improve clarity.

Review proposed geographically specific Planning Code Text, Zoning Map and Height Area amendments, including proposals to: 1) Add the Acura dealership block to the D-BV zoned areas where additional height/FAR bonus is available; 2) Amend map designations for the 3rd and 7th St. areas between West Oakland BART and Downtown; 3) Apply D-LM-2 Zone and 85-foot height area to two lots on the north side of 14th St. between Harrison and Alice St.; 4) Apply BV-4 Zone and 85-foot height area to the corner of 23rd and Valley St., and to the eastern half of the 24th/25th St. block; 5) Change height limit for the corner of Broadway, Brook St., and Piedmont Ave. from 45 ft. to 65 ft.; and 6) Apply the CIX-2 Zone to block defined by 47th Ave., E. 12th St., 50th Ave., and San Leandro St., and to certain parcels near I-880 between 45th and 42nd Ave.

Applicant: City of Oakland**Case File Number:** ZT15018**General Plan:** Citywide**Zoning:** Citywide

Environmental Determination:

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

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

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

PROPOSED PLANNING CODE TEXT, MAP AND HEIGHT AREA AMENDMENTS

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

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

- A. Citywide Planning Code Amendments
- B. Geographically Specific Planning Code Text, Map, and Height Area Amendments

Project Summary:

A. Citywide Planning Code Amendments:

Proposed changes include the following Citywide Planning Code amendments: 1) Revise regulations for Secondary Units; 2) Amend Transitional and Supportive Housing regulations to comply with State law; 3) Revise Home Occupations regulations; 4) Reduce restrictions on Commercial Activities in R-80 Zone; 5) Revise development standards in RM and RU Zones; 6) Allow Custom Manufacturing with Conditional Use Permit (CUP) on the ground floor in CN Zones; 7) Increase minimum ground floor height in RU, CN and CC Zones; 8) Revise CR Zone front setback; 9) Permit 'Group Assembly' and 'Personal Instruction Services' in C-45 Zone; 10) Amend Height and Bulk Standards in CBD Zones; 11) Revise density ranges in HBX Zones; 12) Revise HBX-1 open space and height regulations; 13) Modify density ranges for the 55-ft., 60-ft. and 75-ft. height map areas; 14) Revise development standards in D-CE-3 and D-CE-4 Zones, including allowing a reduction in setbacks through design review; 15) Eliminate CUP for Auto

Sales in D-CO-3 when adjacent to Oakport St; 16) Reduce zones allowing Electroplating Activities; 17) Require sidewalk cafés to maintain at least 50% of sidewalk width for pedestrian purposes; 18) Revise allowed height projections for parapets and other decorative features; 19) Reduce D-LM parking standard, clarify D-LM allowed height area exceptions, and amend D-LM Height and Bulk Standards; 20) Amend procedure for resolving tie votes at the Planning Commission; 21) Allow for more Transfer of Development Rights; 22) Amend code to specify need for timely Planning Commission recommendations; 23) Add provisions regarding inactive Planning applications; 24) Amend major CUP and Design Review thresholds; 25) Revise mini-lot regulations; and 26) Make other minor Zoning Text changes to improve clarity.

The overall package of proposed citywide Planning Code amendments is further categorized into three basic types:

- I. Non-substantive Changes
- II. Minor-substantive Changes
- III. Substantive Changes

Non-substantive changes include reformatting, reorganizing and improving the internal consistency of the Planning Code. Minor substantive changes include text changes to improve the interpretability, clarity, and flexibility of the Planning Code. Finally, staff proposes substantive Planning Text amendments to improve the standards in the Planning Code. The content of these proposed changes is summarized in the following report. Please see **Attachment A** for the proposed citywide Planning Text amendments (proposed text additions are shown in underline and proposed deletions are shown as ~~strikethrough~~).

B. Geographically Specific Planning Code Text, Map and Height Area Amendments:

Proposed changes include the following geographically specific amendments: 1) Add the Acura dealership block to the D-BV zoned areas where additional height/FAR bonus is available; 2) Amend map designations for the 3rd and 7th St. areas between West Oakland BART and Downtown; 3) Apply D-LM-2 Zone and 85-foot height area to two lots on the north side of 14th St. between Harrison and Alice St.; 4) Apply BV-4 Zone and 85-foot height area to the corner of 23rd and Valley St., and to the eastern half of the 24th/25th St. block; 5) Change height limit for the corner of Broadway, Brook St., and Piedmont Ave. from 45 ft. to 65 ft.; and 6) Apply the CIX-2 Zone to block defined by 47th Ave., E. 12th St., 50th Ave., and San Leandro St., and to certain parcels near I-880 between 45th and 42nd Ave.

These proposed changes were presented to the Zoning Update Committee at a public hearing on October 14, 2015. After Planning Commission review, the proposed changes will be presented to the Community and Economic Development Committee of the City Council, and ultimately to the City Council for final review and approval.

CITYWIDE PLANNING CODE AMENDMENTS

I. NON-SUBSTANTIVE CHANGES

The following section summarizes the proposed Non-Substantive changes to the Planning Code.

Staff proposes to:

- * Capitalize all Chapter, Section and Subsection references, the names of Activity and Facility Types, the names of Sign types (Business, Residential, etc.), and the names and types of Zoning designations;

- Spell out all number references throughout the Code;
- Remove references to zoning designations previously deleted, including but not limited to: C-5, C-10, C-28, C-31, C-35, and C-55;
- Replace “None” and “0 feet” with “N/A” (Not Applicable) throughout the Code wherever such terms are intending to indicate that a particular regulation does not apply;
- Relocate (without amendment) the recently adopted additional Conditional Use Permit (CUP) findings for Crematories from Chapter 17.103 to Chapter 17.102. This clean-up item creates a new Section in Chapter 17.102 (Section 17.102.440), for the previously adopted Crematory provision. This is a clean-up item included to be consistent with the overall organization and purpose of Chapters 17.102 and 17.103; and
- Make minor word or phrase changes to improve the clarity and internal consistency of the Code.

II. MINOR-SUBSTANTIVE CHANGES

The following section summarizes the proposed Minor-Substantive changes to the Planning Code.

Staff proposes to:

- Revise Chapter 17.01, General Provisions of Planning Code and General Plan Conformity, to reflect the expiration of the City’s General Plan Conformity Guidelines, and be consistent with current General Plan and Zoning Determination practices;
- Standardize the activity size threshold at 3,000 square feet differentiating ‘Group Assembly’ (Section 17.10.380) and ‘Personal Instruction and Improvement Services’ Activities (Section 17.10.385);
- Revise the definition of Sidewalk Café Nonresidential Facility in Section 17.10.750 to include “dining areas which encroach within the sidewalk or plaza area of the public right-of-way”;
- Because Design Review is included as part of any initial Planned Unit Development (PUD) permit approval, clarify throughout the Code that the requirement for design review will not apply to developments at the time of initial granting of a PUD permit. Unless otherwise specified in the PUD permit, any future changes within the PUD will be subject to applicable design review regulations;
- Replace outdated design review threshold language in the R-80, CBD, S-4, S-10, and S-11 Zones with the current citywide standard design review threshold language;
- Standardize the thresholds for design review or CUP throughout the Planning Code that involve 25,000 square feet to specify that all are triggered by a project that is more than 25,000 sf. (rather than 25,000 sf. or more);
- Standardize the minimum width of sidewalks at 6½ feet for the installation of street trees throughout the Zoning Code;
- Remove the phrase “...and not previously used for Civic Activities” from the end of all applicable Activity Table Limitations throughout the Planning Code that include a specification that: “These activities may only be located in an existing ground floor of a Nonresidential Facility that was built prior to the effective date of this Chapter (April 15, 2011).”
- Remove references to RU-1 from all applicable Activity Table Limitations throughout the Planning Code as being a zone which triggers the same setback and height limitations that apply to projects that abut the RH, RD, and RM Zones. This proposed amendment is intended to

correct a misplacement of the RU-1 Zone within this same lower density Zone category as the RH, RD, and RM Zones. It is not, and therefore should not be regulated the same.

III. SUBSTANTIVE CHANGES

The following section summarizes the proposed substantive changes to the Planning Code (see **Attachment A** for the full text of the proposed Code amendments):

1. Amendments to the Secondary Unit Regulations (throughout the Planning Code).

The goal of the proposed amendments is to encourage construction of Secondary Units by reducing the regulatory barriers in the City's current Planning Code language. Secondary Units are considered one way to help address the city's affordable housing crisis. Because Secondary Units are smaller, the average construction cost is much lower than even a typical new affordable apartment project. Another benefit of Secondary Units is that they are increasingly being used as independent living options for elderly family members or homeowners. Also, because Secondary Units go into established neighborhoods, they can contribute to the city's desire to foster more walkable neighborhoods with greater use of bicycling and transit.

The University of California Center for Community Innovation recently prepared a study titled "Yes in My Backyard: Mobilizing the Market for Secondary Units", which discusses the benefits of and obstacles to Secondary Units in the East Bay. The report notes, however, that local regulations may impede development (see **Attachment B** for letters from homeowners the City has recently received requesting the reduction of regulatory barriers that impede the approval of a Secondary Unit):

Also, the *Housing Equity Roadmap* recently approved by City Council states that:

"A recent study conducted focusing on the MacArthur BART station area and the Oakland portion of the Ashby BART station area found that Oakland has underutilized the building of secondary dwelling units. A sampling survey of homeowners found that 18 percent of houses already have at least one secondary dwelling unit. Approximately 7 percent of the homeowners surveyed were already planning on building a second unit and another 7 percent were interested but had encountered regulatory and/or financing barriers. The study found that the city's parking requirements were the biggest regulatory barrier to the development of second units, followed by lot setbacks. Under the city's current requirements, 230 homeowners in the studied areas could build a second unit. The study found that with the relaxing of parking requirements, 2,300 homeowners in the studied areas could build a second unit. In addition, through its relations with nonprofit and for-profit financial institutions, the city could help facilitate homeowners' access to capital resources for building a second unit.

Recommendation: *Oakland should consider facilitating the development of secondary dwelling units by 1) relaxing requirements, such as parking and set-back; and 2) assisting with access to private capital resources."*

One model staff looked to for the proposed Oakland amendments are the recently adopted Secondary Unit regulation changes in the City of Berkeley. The revised requirements for a Secondary Unit in Berkeley became effective on August 19, 2015, and are outlined below:

1. Maximum size of 750 square feet or 75% of the primary structure, whichever is less.
2. Height - 14 foot maximum height at peak of roof, 10 foot maximum at eave of roof. Not to exceed 10 feet at property line.
3. Setback – 4 foot minimum side and rear setback from property line. No side or rear setback required if Secondary Unit will replace preexisting buildings on the property line.
4. Parking - tandem parking in driveway is allowed (including non-conforming driveways that don't comply with the minimum 2-foot landscaping strip). Proposed Secondary Units that are within one-quarter mile of a BART station and located in an RPP zone will have no additional parking requirement.

In recognition of the potential of Secondary Units as a housing strategy, Planning staff has proposed the following changes to a variety of current zoning regulations in the City of Oakland that constitute a significant barrier to Secondary Unit development, particularly existing parking requirements:

- Parking – Tandem parking regulations would be amended to allow tandem parking for Secondary Units up to the maximum size allowed. Also, proposed Secondary Units that are within one-half (½) mile of a Bay Area Rapid Transit (BART) or Bus Rapid Transit (BRT) Station would have no additional parking requirement. This provision would provide more “low carbon footprint” housing options for residents seeking to utilize transit to meet their daily needs.
- Setback – New Secondary Units would be allowed up to 4 feet from the side and rear lot line if located within 35 feet of the rear property line. Existing accessory structures located outside of the front yard setback would be allowed to convert into a Secondary Unit - regardless of any existing nonconformity as to side setback, rear setback, or height - as long as the existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable zoning regulations; the floor area of the resulting Secondary Unit does not exceed the maximum allowed; and the minimum parking requirement can be met on site.
- Height – Maximum roof height would be increased from 12 to 14 feet, and building walls located within 4 feet of the side or rear lot line would be limited to 10 feet in height, instead of the current 9 feet.

To minimize the impact of Secondary Units on existing residences, staff is proposing to couple the above regulatory relaxations with *a decrease in the overall maximum size of an individual Secondary Unit*. The city's current size limit for a Secondary Unit is larger than what most cities allow, so the proposal is to reduce the maximum size from the current 900 square feet or 50% of the primary structure, whichever is less, to the proposed: 750 square feet or 75% of the primary structure, whichever is less.

2. Amendments to Transitional and Supportive Housing Regulations (throughout the Planning Code).

California State law requires that Transitional and Supportive Housing be permitted in all zones allowing Residential Uses, and not be subject to any restrictions not imposed on similar dwelling types (e.g. Single Family, Multifamily) in the same zone. Therefore, in order to ensure conformance with State law: (a) the current “Service Enriched Permanent Housing” Residential Activity category

is proposed to be replaced throughout the entire Planning Code with a new “Supportive Housing” Residential Activity Type; (b) the definitions of “Transitional Housing” and “Supportive Housing” would be revised to conform to the State definitions; (c) the activity charts for every Zone allowing Residential Uses will be revised to indicate that “Transitional Housing” and “Supportive Housing” are permitted as Residential Activities; and (d) all special standards that previously applied to “Transitional Housing” and “Supportive Housing”, including but limited to differential parking regulations, will be removed to ensure that Transitional and Supportive Housing will only be subject to those restrictions that apply to other residential dwellings of the same facility type.

3. Amendments to the Planning Code regulations for home-based businesses or “Home Occupations” (Section 17.09.040 [Definitions], Chapter 17.101E [D-CE Central Estuary District Zones Regulations], and Chapter 17.112 [Home Occupation Regulations]).

In 2013, as part of the Central Estuary Area Plan, and in 2014, as part of the West Oakland Specific Plan, the Home Occupation regulations were modified for properties within these districts to allow (unlike in the rest of the city) business operations in detached garages or accessory structures, and up to 1 non-resident employee. This amendment is intended to allow these same amended Home Occupation regulations in the rest of the city, and thereby make it easier for residents to operate home-based businesses as a means of augmenting their income.

4. Amendments to the RM Mixed Housing Type Residential Zones Regulations (Chapter 17.17).

The current maximum density requirements for the RM Zones in Table 17.17.03 include a number of inconsistencies, as well as potentially unnecessary regulatory hurdles. For instance, the RM-2 Zone allows 2 units on lots 4,000 square feet or greater, but states that the maximum conditionally permitted density is 1 unit per 2,500 sq. ft. of lot area. For consistency purposes, the proposed amendments revise the maximum conditionally permitted density for the RM-2 Zone to be at the same ratio as the permitted density, or 1 unit per 2,000 sq. ft. of lot area. Also, to facilitate the creation of more infill housing opportunities, the amendments increase the conditionally permitted density threshold for the RM-3 Zone from 3 units to 4, and for the RM-4 Zone from 5 units to 6. Lastly, the density ranges from RM-2 through RM-4 Zones would be revised to step up in regular 500 sf. increments, such that the RM-2 permitted density would change, as stated above, from the current 1 unit per 2,500 sq. ft. of lot area to: 1 unit per 2,000 sq. ft. of lot area; RM-3 permitted density would remain the same (1 unit per 1,500 sq. ft. of lot area); and RM-4 permitted density would change from the current 1 unit per 1,100 sq. ft. of lot area to: 1 unit per 1,000 sq. ft. of lot area.

Also, as part of the code amendments adopted in concert with the West Oakland Specific Plan, special provisions were created for the RM-2 in the West Oakland District only to allow for: (1) a reduced lot size (from 5,000 sf. to 4,000 sf.); (2) a reduced lot width mean (from 45 feet to 25 feet); and a (3) reduced interior side and street setback (from 5 feet to 4 feet). Staff is proposing to amend the Code to provide for these same provisions across the entire city in the RM-2 Zone. In addition, the lot width mean is proposed to be reduced for the RM-1 Zone from 45 feet to 35 feet; and the interior side and street setback for the RM-1 Zone reduced from 5 feet to 4 feet.

Another code amendment adopted as part of the West Oakland Specific Plan allows for the RM-2 Zone to further reduce the minimum lot area upon the granting of a CUP and an additional finding

that, excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less. This amendment would provide a similar opportunity for all the RM Zones across the city to further reduce the minimum lot size.

Other amendments to the RM Zones intended to facilitate infill development include changing the 300 sf. per unit open space requirement in the RM-2 Zone to be the same 200 sf. per unit requirement that applies in the RM-3 Zone.

5. Amendments to the RU Urban Residential Zones Regulations (Chapter 17.19).

The density ranges from RU-1 through RU-3 Zones would be standardized into regular increments, such that the RU-1 permitted density would change from the current 1 unit per 1,100 sq. ft. of lot area to: 1 unit per 1,000 sq. ft. of lot area (the same as what is proposed for RM-4); RU-2 permitted density would change from the current 1 unit per 800 sq. ft. of lot area to: 1 unit per 750 sq. ft. of lot area; and RU-3 permitted density would remain the same (1 unit per 450 sq. ft. of lot area).

Also, the open space requirements for the RU-1 and RU-2 Zones would be standardized to be the same as that for the RU-3 Zone (150 sf. per unit).

In addition, the height map density ranges applicable to the RU-4 and RU-5 Zones would be revised to step up in regular 100 sf. increments, such that the existing allowed densities for the 35-foot and 45-foot height map areas would remain the same at 550 sf. per unit and 450 sf. per unit respectively; but the 60-foot height map area would change from 375 sf. per unit to 350 sf. per unit, and the 75-foot height map area would change from 275 sf. per unit to 250 sf. per unit (the same would be applied citywide in all zones subject to a height map).

6. Conditionally Permitted Density.

As a means of encouraging the preservation of older, lower-scale buildings, the proposed amendments provide for a way that the number of living units permitted in certain higher density zones, such as the RU-5 Zone, may be increased upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

7. Amendments to the R-80 High-Rise Apartment Residential Zone Regulations (Chapter 17.30).

In the R-80 Zone, there are currently some outdated restrictions placed upon Restaurants, Convenience Markets, Alcoholic Beverage Sales, and Consumer Service Commercial Activities - such that customer access is only allowed through the *lobby of the facility*, and *no Business Signs or display windows* may be provided for such activities. Also, the maximum floor area devoted to such activities is limited to only *1,500 square feet*. The proposed amendments would remove the current restriction on access location, business signs, and display windows; and the maximum floor area for these commercial activities would be increased from 1,500 sf. to 3,000 sf.

8. Large-Scale Developments.

There are currently a number of inconsistent thresholds throughout the Planning Code that define when a project is considered a "large-scale development". The proposed amendments would standardize the size thresholds for projects requiring a Major Conditional Use Permit as follows:

- In the R-80, S-2, S-15, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones - if the project would result in more than 100,000 sf. of new floor area; and

- In the CBD, D-LM, D-BV, or D-CO Zones – if the project would result in more than 200,000 sf. of new floor area.
9. **Amendments to the CN Neighborhood Center Commercial Zone Regulations (Chapter 17.33).**
Custom Manufacturing is currently conditionally permitted in all of the CN Zones, but in the CN-1 through CN-3 Zones, a limitation is currently indicated that prohibits this activity on the ground floor. This amendment would retain the CUP requirement for Custom Manufacturing, but remove the ground floor prohibition.
 10. **Minimum height of ground floor Nonresidential Facilities (throughout the Planning Code).**
In the RU, CN and CC Zones, the proposed amendments would change the minimum height for new ground-floor Nonresidential Facilities from 12 feet to 15 feet to be consistent with minimum ground floor commercial heights citywide.
 11. **Amendments to the CC Community Commercial Zones Regulations (Chapter 17.35).**
In Table 17.35.01 (Permitted and Conditionally Permitted Activities), the CC-3 Zone is shown to prohibit Permanent Residential Activities, but confusingly shown to conditionally permit “Bed and Breakfast Activities”. The proposed amendment to Table 17.35.01 would clarify that “Bed and Breakfast Activities” are only conditionally permitted in *an existing Residential Facility that was built prior to the effective date of this Chapter* (since no *new* Residential Facilities are permitted in CC-3). Other proposed changes to Table 17.35.01 for the CC-3 Zone are to add limitations to: General Wholesale Sales; Building Material Sales; and General Warehousing, Storage and Distribution, to indicate that these activities will only be permitted upon the granting of a Conditional Use Permit when located on a lot that is within 300 feet of an RH, RD, or RM Zone.
 12. **Minimum Front Setback in the CR Regional Commercial Zone Regulations (Chapter 17.37).**
As part of the Coliseum Area Specific Plan, the west side of Hegenberger Road was re-zoned to the new D-CO Zones. The CR-1 Zoning that formerly applied to both sides of Hegenberger now only applies to the east side of the street. This amendment changes the minimum front setback requirement from the current “20 feet on parcels facing a right of way of 100 feet or more; 10 feet on parcels facing a right of way that is less than 100 feet wide” to “0/10 feet” to bring the CR Zone into conformance with the adopted standards for the new D-CO Zones.
 13. **Amendments to the C-45 Zone Regulations (Chapter 17.56).**
In order to make the allowed uses along the portion of Broadway in the Jack London District (from I-880 to the Embarcadero) more consistent with the allowed uses along the portion of Broadway through Downtown, the proposed amendments would make ‘Group Assembly’ and ‘Personal Instruction and Improvement Services’ permitted activities (both are currently only allowed with a CUP).
 14. **Amendments to the CBD Central Business District Zones Regulations (Chapter 17.58).**
Since adoption of the downtown CBD Zones in 2009, the city has adopted the Lake Merritt Station Area Plan, which included new zoning for the Chinatown/Lake Merritt portion of downtown. These new D-LM Zones were adopted in 2014 as part of the Lake Merritt Plan, and include new Height, Bulk, and Intensity Standards that are different than the rest of downtown. The following proposed

amendments to the CBD Zones (in concert with the proposed amendments/corrections to the D-LM Zones described below) will bring these two sets of standards closer into alignment:

- The maximum height in CBD Height Area 3 would be changed from 170 feet to 175 feet and the maximum base height in CBD Height Area 7 from 120 feet to 125 feet to be more consistent with the citywide approach of setting height limits that account for the related zoning requirement for a tall ground floor (at least 15 feet in height);
- A minimum height requirement would be added to CBD Height Area 3: (35 feet);
- In order to encourage more slender towers, current regulations in the downtown CBD Zones limit the size of building floor plates above the base to a range of *50% to 85% of the site area or 10,000 sf., whichever is greater*. While the intent of this regulation is sound, staff is concerned that it may be mandating such small floor plates to act as a regulatory hurdle to the construction of new office buildings. For comparison purposes, the Urban Land Institute released an article in 2011 titled “Pillars of Design”, which states that: “Rentable space of 25,000 to 28,000 square feet per floor plate is considered average for office buildings...” In response to this market preference for larger contiguous office floor areas, the proposed amendment would increase the allowed floor plate sizes in the downtown to a range of 65% to 85% of the site area or 15,000 sf., whichever is greater.
- Similarly, staff is concerned that the current “Maximum Average Area of Floor Plates” regulation in the CBD Zones may be mandating smaller floor areas in new buildings than what the market generally prefers. Therefore, since a similar regulation was not adopted as part of the new D-LM Zoning for the Lake Merritt Station Area Planning Area, this regulation is proposed to be deleted from the CBD tower regulations.
- Also, there are proposed amendments intended to bring the CBD tower regulations into closer alignment with the new adopted D-LM Zone standards, including changing maximum tower elevation length in the CBD Height Area 3 from 115 feet to 150 feet and the diagonal length from 145 feet to 180 feet (same as the D-LM standards); and adding the same provision that now applies in the D-LM Zones for a potential increase in the maximum tower elevation length, diagonal length, and average per story lot coverage above the building base upon the granting of a Conditional Use Permit.

Also, in Table 17.58.01 (Permitted and Conditionally Permitted Activities), the CBD-P Zone is shown to conditionally permit Transient Habitation (Hotels). But Limitation L6 is also shown, which is potentially confusing and unnecessary, since L6 states that: “these activities are only permitted upon the granting of a conditional use permit”. The proposed amendment to Table 17.35.01 would delete the L6 reference for hotels in the CBD-P, since it is already indicated to be conditionally permitted by the “C” listed in the Table.

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

The density ranges from HBX-1 through HBX-4 Zones would be revised to step up in regular 100 sf. increments, such that the HBX-1 permitted density would remain the same (1 unit per 1,000 sq. ft. of lot area); HBX-2 permitted density would change from the current 1 unit per 930 sq. ft. of lot area to: 1 unit per 900 sq. ft. of lot area; HBX-3 permitted density would change from the current 1 unit per 730 sq. ft. of lot area to: 1 unit per 800 sq. ft. of lot area and HBX-4 permitted density would change from the current 1 unit per 800 sq. ft. of lot area to: 1 unit per 700 sq. ft. of lot area.

In Section 17.65.100, the maximum height for the HBX-1 Zone is stated to be 35 feet, but a limitation is currently included that a CUP is required for new buildings to exceed 30 feet in height. This limitation is an unnecessary regulatory hurdle that does not apply to any other HBX zone, so the CUP requirement to go from 30 to 35 feet is proposed to be removed.

Similarly, in Section 17.65.120, the current open space requirement for the HBX-1 Zone is 200 square feet per unit, which is higher than any other HBX Zone. This amendment would bring the open space requirement for the HBX-1 Zone into alignment with the HBX-2 and HBX-3 Zones at 150 sf. per unit.

16. Amendments to the S-10 Scenic Route Combining Zone Regulations (Chapter 17.90).

In Section 17.90.070, there is a special height restriction on downslope S-10 lots which limits the height of buildings and other facilities to no more than 3 feet above the edge of the roadway. This height restriction does not account for the city's standard allowance for a front yard fence height of at least 3½ feet. To fix this problem, the proposed amendment would exempt any fence, dense hedge, barrier or similar freestanding wall that does not exceed 3½ feet in height above any point on the nearest edge of the roadway from the S-10 downslope height restriction.

17. Amendments to the Property Development Standards in the S-15 Transit Oriented Development Zones Regulations (Chapter 17.97).

The open space requirements for the S-15 and S-15W Zones would be reduced in some height map areas to better coordinate with the reduced open space requirements for the transit oriented D-CO-1 Zone that City Council adopted earlier this year as part of the Coliseum Area Specific Plan (the new D-CO-1 Zone replaced the S-15 Zone near the Coliseum BART station).

Also, the height map density ranges applicable to the S-15 and S-15W Zones would be revised to step up in regular 100 sf. increments (the same as would be applied citywide in all zones subject to a height map).

In addition, the use permit criteria for auto fee parking in the S-15 Zones is proposed to be amended to be more consistent with the same findings that the City Council adopted earlier this year for the transit oriented D-CO-1 Zone (Section 17.101.070F) as part of the Coliseum Area Specific Plan.

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

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

19. Amendments to the D-OTN Oak to Ninth District Zone Regulations (Chapter 17.101B).

Similar to the Wood Street District, the City Council originally adopted the Oak to Ninth Zoning District as a separate regulatory document from the rest of the Zoning Code. In 2014, Planning staff received Council approval to transfer the Permitted Activities section of the Oak to Ninth Zoning Regulations from this separate 2006 Zoning document into the citywide Zoning Code. The proposed amendments would continue this transfer by moving the rest of the Oak to Ninth zoning regulations into the D-OTN Zoning Chapter.

20. Amendments to the D-CE Central Estuary District Zones Regulations (Chapter 17.101E).

In 2013, the City Council adopted the Central Estuary Area Plan and replaced the previous zoning in the Central Estuary Plan Area with the new D-CE Zones in order to implement the Plan objectives. One of the previous zones replaced in the Plan Area, HBX-3, applied to the Jingtown/Elmwood neighborhood in the Central Estuary. A number of the property owners in Jingtown/Elmwood neighborhood had been closely involved in the original creation of the HBX-3 Zone in 2006, and have recently expressed their concern to the City that this HBX zone was not retained for their neighborhood. The primary reason staff has heard as to why the original HBX-3 Zone is still preferred by some of the area property owners is that minimum setbacks were not specified to allow projects more flexibility to respond to site-specific contexts in this unique commercial/industrial/residential mixed neighborhood. Setbacks in the HBX-3 Zone were instead determined whether or not to be necessary through design review, and whether a project is consistent with the "Design Guidelines for the HBX zones" as adopted by the City Council.

In order to address this setback concern, staff is proposing to add a similar setback determination method for the D-CE-3 and D-CE-4 Zones: the minimum front, interior side, street side, and/or rear setbacks will be allowed to be reduced to as little as 0 feet upon the granting of regular design review approval, and upon determination that any smaller dimension will not adversely affect the livability or appropriate development of abutting residential properties.

In addition, despite an allowed height in the D-CE-4 Zone of 75 feet, the allowed density is only 700 sf. per unit - which is significantly lower than is typical in other zones that allow a similar height. Therefore, the proposal would change the allowed density in the D-CE-4 Zone from 700 sf. per unit to 450 sf. per unit.

21. Amendments to the D-LM Lake Merritt Station Area Plan District Zones Regulations (Chapter 17.101G).

In 2014, the City Council adopted the Lake Merritt Station Area Plan and replaced the previous CBD zoning in downtown's Lake Merritt BART Station Area with the new D-LM Zones in order to implement the Plan objectives. One of unique features of the new D-LM Zoning is the limited number of height area exceptions that can be granted to allow an applicant in a lower height area, such as 85 feet, to apply through a CUP to utilize the height standards in either the 175-foot or 275-foot height area. The proposed amendments are intended to clarify the language in Table 17.101G.04 regarding these height area exceptions; and to make the procedure for application much more clear and easy to understand by separating the description of the application process into its own new Section (17.101G.055).

Also, in coordination with the proposed amendment to the CBD Chapter that would increase the allowed floor plate sizes in the downtown to a range of 65% to 85% of the site area or 15,000 sf., whichever is greater, the D-LM tower regulations would also be amended to increase the allowed floor plate sizes to a range of 65% to 75% of the site area or 15,000 sf., whichever is greater.

22. Amendments to the D-CO Coliseum Area Plan District Zones Regulations (Chapter 17.101H).

In March 2015, the City Council adopted the Coliseum Area Specific Plan and replaced the previous zoning in the Coliseum Area with the new D-CO Zones in order to implement the Plan objectives. At the time of adoption, it was not yet clear what the long-term land use future should be for the properties fronting on Oakport Street adjacent to Highway 880. However, it is now clear through other city actions that formation of a mini-“Auto Row” in this area is compatible with the Coliseum Area planning process. Therefore, the proposed amendments remove the CUP requirement for “Automobile and Other Light Vehicle Sales and Rental” in the D-CO-3 Zone if the activity is located on a parcel adjacent to the Oakport Street right-of-way.

Also, the proposal would amend the parking regulations for the D-CO Zones in Chapter 17.116 (Off-Street Parking and Loading Requirements) to indicate that the unbundling of parking is required for new developments, as indicated in the adopted policies for the Coliseum Area Specific Plan.

Other amendments include adding a minimum front setback of 10 feet for facilities in the D-CO-6 Zone, except for retail and similar facilities oriented toward pedestrian activity.

23. Amendments to the Regulations Applicable to Certain Activities and Facilities (Chapter 17.102).

Amend Section 17.102.180 (Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial Zones), to specify that a CUP is not required for Commercial Activities approved as a Home Occupation to be conducted within a building above a story occupied by Residential Activities.

Amend Section 17.102.340 (Electroplating Activities in the Industrial Zones), to clarify that Electroplating Activities cannot be located nor expanded within one thousand (1,000) feet from the boundary of any other zone except the IG Zone. The proposed amendment removes CIX-2, M-20, M-30, and M-40 from the zones allowing Electroplating Activities.

24. Amendments to the Special Regulations and Findings for Certain Use Classification (Chapter 17.103).

Amend Section 17.103.090(B)(1) (Standards for Sidewalk Cafes) as follows (proposed additions are shown as double underline and proposed deletions are shown as ~~strikethrough~~):

“Sidewalk Cafes shall not encroach upon any public right-of-way unless a minimum of five and one-half (5½) feet of unobstructed improved sidewalk or fifty percent (50%) of the overall unobstructed-improved sidewalk width, whichever is greater, remains available for pedestrian purposes. The minimum distance shall be measured from the portion of the Sidewalk Cafe encroachment which is nearest to any obstruction within the sidewalk area. For purposes of the minimum clear path, parking meters, traffic signs, trees, tree wells, sidewalk planter strips, and all similar obstacles shall constitute obstruction.

This proposed amendment adds a requirement that sidewalk cafes maintain a minimum of 50% of the overall improved sidewalk width for pedestrian purposes. This is to better ensure that an individual sidewalk café does not overly restrict the free flow of pedestrian movement at any one location along a sidewalk - as has happened in front of a few restaurants along Broadway, for instance.

25. Amendments to the General Lot, Density and Area Regulations (Chapter 17.106).

In Section 17.106.030 (Maximum density and Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities), the proposed amendment would add provisions to clarify the already required method for calculating the portion of lot area used in computing density for certain types of mixed use projects in the HBX Zones.

In Section 17.106.040 (Use permit criteria for increased density or Floor-Area Ratio for high-rise Residential Facilities), the proposed amendment would clarify in finding (A) that: “the openness of development, limitation of site coverage, and the design of the facilities effectively compensate for the potential effect of the increase in the number of living units or Floor-Area Ratio upon adjoining properties and the surrounding area”. This proposed revision is in place of the existing language that refers instead to compensating for *the potential effect of the added structural bulk* – which may be misunderstood and lead to an erroneous assumption that a use permit for increased density or Floor Area Ratio might pre-require increased height in a project.

In Section 17.106.050, there are internal inconsistencies in the zoning language that need to be clarified. The current title of the section refers to the acquisition of **abutting** development rights, yet the first paragraph in the section text currently refers instead to the acquisition of **nearby** development rights. The proposed amendments are intended to allow for more use of this important Transfer of Development Rights (TDR) tool by changing the Section title (Use permit criteria for increased density or Floor-Area Ratio with acquisition of abutting-nearby development rights), and removing the limitation of just *abutting lots* in the Section text and adding instead: “...lots located within three hundred (300) feet”. This expansion of the potential use of the TDR provision will hopefully encourage the preservation of older lower-scale buildings near development sites.

26. Amendments to the Allowed Projections above Height Limits Regulations (Section 17.108.030).

The proposed amendments to Section 17.108.030 are intended to solve certain long-standing issues in this section of the Code that often affect the design of larger, higher density projects. For instance, earlier versions of the city’s Planning Code included parapets as one of the allowed projections above height limits. This parapet height allowance was deleted at some point in the past from the Code - most likely in response to its potential use by lower density development, such as one- and two-family dwellings. While the intent of this previous revision was sound, it has had an unintended consequence on the design of many larger buildings, with some projects approved with a nearly featureless flat roofline due to the absence of sufficient height allowance for a parapet or other decorative feature, such as a spire, bell tower, dome, cupola, obelisk, or monument. The proposed amendments would restore parapets as an allowed projection above the height limit, but importantly, *exclude its application to one- and two-family dwellings*.

Also, the current allowed projection above the height limit regulation that applies to other decorative features (such as spires, bell towers, domes, cupolas, obelisks, and monuments) limits the application of the additional height allowance to only 10% of the building footprint, which is often not enough

area to include a fully proportional rooftop design element. The proposed amendments would remove this limit on the amount of building footprint covered by rooftop decorative features, as long as the project as a whole is granted design review approval.

Finally, “rooftop fenced or walled spaces” are currently limited in Section 17.108.030 to only 10% of the building footprint, which is sometimes not enough area for higher density projects to include a significant rooftop open space. The proposed amendments would remove the current footprint limit on rooftop fenced or walled spaces by relocating this provision from Subsection B. to Subsection F. (which already regulates features such as “Rooftop recreational, observation, seating, outdoor dining” etc., and does not include a building coverage limit).

27. Amendments to the Nonconforming Uses Regulations (Chapter 17.114).

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

Also, the proposal would amend Section 17.114.110(C) to correct an oversight and include the new D-CO-1 Zone to the regulation limiting the conversion of nonconforming advertising signs. This is consistent with the code amendments adopted as part of the Coliseum Area Specific Plan, when the intent had been to add the new D-CO-1 Zone to all applicable provisions throughout the Planning Code that apply to the S-15 Zones (the zone D-CO-1 replaced near the Coliseum BART Station).

28. Amendments to the Off-Street Parking and Loading Requirements (Chapter 17.116).

In order to facilitate infill housing opportunities, the following amendments are proposed to reduce or modify some of the parking requirements:

- As mentioned earlier as part of the Secondary Unit changes – Section 17.16.240 (Tandem spaces and berths) is proposed to be amended to allow tandem parking for any Secondary Unit, as long as the floor area of the Secondary Unit does not exceed the maximum allowed (the tandem parking allowance is currently limited only to Secondary Units of 500 sf. or less).
- Also, Section 17.116.060 would be amended to specify that no additional parking space is required for Secondary Units that are located within one-half mile of a BART or BRT Station. This will allow for a greater number of households to be less dependent on an automobile in order to meet their daily needs.

Other proposed parking changes are to:

- Change the multi-family residential parking requirement in the D-LM Zones to match the D-BV-1 and D-BV-2 Zones (½ space for each dwelling unit). As background, the D-LM Zones were adopted in 2014 along with the Lake Merritt Station Area Plan. At that time, the multi-family

residential parking requirement in the new D-LM Zones was reduced to “3/4 space for each dwelling unit”- compared to the “1 space for each dwelling unit” CBD Zone standard that previously applied in the Plan area. However, this D-LM parking requirement was still higher than the new “½ space for each dwelling unit” parking standard that now applies to a large portion of the Broadway Valdez Specific Plan area, or to match the existing allowance for a parking reduction in the CBD Zones to “½ space for each dwelling unit” upon approval of a CUP. Therefore, this proposal would correct this oversight.

- Amend Section 17.116.110(D)(6) to clarify that in the D-BV and D-LM Zones, as in all zones citywide, parking may be reduced or eliminated for certain types of affordable and senior housing projects.
- Amend Section 17.116.170 to include the D-BV and CC Zones in the list of zones allowing: (a) residential parking to be located on another lot located within 300 feet and having at least one owner in common with the former lot; and (b) upon the granting of a CUP, loading berths for any activity on a lot which does not abut all the lots containing the activities served.

29. Amendments to the Administrative Procedures Generally (Chapter 17.130).

Proposed changes include an amendment to the procedure for resolving Planning Commission tie votes in Section 17.130.040. The proposal would provide a bright-line rule that if there is still a deadlock after two votes on a matter in which the City Council is the final decision maker, the item would automatically be forwarded to the City Council (rather than leaving it to the discretion of the Planning Commission Chair).

Also, the proposal is to amend Section 17.130.080 (City Council consideration of legislative and adjudicatory actions) to incorporate existing State law (Government Code Section 65853) into the Zoning Code, which clarifies that if the City Planning Commission has not forwarded a recommendation to the City Council within a reasonable time after receiving a final Planning Staff recommendation, the City Council body may, by written notice, require the City Planning Commission to render its written report within 40 days.

Another proposed amendment involves the addition of a new provision regarding inactive Planning applications (new Section 17.130.100). The Planning Code does not currently specify a method for terminating Planning applications which have been incomplete or on hold for six (6) months or more. Such “on hold” applications are an administrative burden on the Bureau of Planning. The proposed inactive Planning application standard would state that:

Any Planning application which has been incomplete or put on hold by the applicant for six (6) months or more shall be considered inactive. Upon written notification by the Planning Director of such status, the applicant shall bring the application to complete or active status within sixty (60) days. If the application has not achieved complete or active status to the satisfaction of the Planning Director within this sixty (60) day period, the application shall be considered withdrawn.

30. Amendments to the Administrative Appeal Procedure (Chapter 17.132).

Staff proposes to amend Section 17.132.020 to include the same appeal procedure revisions that have previously been added to all other Planning Code sections describing the appeal procedure. These

amendments will make Section 17.132.020 consistent with all other Planning Code sections relating to appeals.

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

The following amendments are proposed to the definition of Major Conditional Use Permits (Section 17.134.020):

- There are currently a number of inconsistent thresholds throughout the Planning Code that define when a project is considered a “large-scale development”. For instance, in the CBD Zones Chapter (Section 17.58), the Code currently states that the CUP threshold for a “large” project is one that “involves more than 200,000 square feet of new floor area, or a new building or portion thereof of more than 250 feet in height...” However, in the definition of Major Conditional Use Permits (Section 17.134.020), a large-scale development in the CBD Zones is defined differently as one that “results in more than 100,000 square feet of new floor area...” This proposed amendment would standardize the size thresholds in Section 17.134.020(1)(e) and throughout the Planning Code for projects requiring a Major Conditional Use Permit as follows:
 - In the R-80, S-2, S-15, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones - if the project would result in more than 100,000 sf. of new floor area;
 - In the CBD, D-LM, D-BV, or D-CO Zones – if the project would result in more than 200,000 sf. of new floor area.
- A related amendment involves adding the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones to the list of zone exceptions to the 25,000 square foot threshold for a major CUP listed in Section 17.134.020(A)(1)(b).
- The proposed amendments to the definition of a Major CUP also include a revision to Section 17.134.020(A)(1)(f) to clarify that the applicable threshold in the new D-LM Zones involves: “Projects that request to be considered for an exception to the D-LM Height Area standards, as specified in Table 17.101G.04, Note 2.” This change is intended to clarify the language in Table 17.101G.04 regarding height area exceptions.

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

Another proposed change is to amend Section 17.134.120 (Limitation on resubmission) to remove the unrelated “applications for hearing” language and clarify the resubmission standard for projects denied by either the Planning Commission or Planning Director.

32. Amendments to the Special Use Permit Review Procedure for the OS Zone (Chapter 17.135).

Amend Section 17.135.040 to make the period for decision by the Landmarks Preservation Advisory Board consistent with the proposed 40-day time period for decision by the Planning Commission in Section 17.130.080.

33. Amendments to the Design Review Procedure (Chapter 17.136).

Staff proposes to add references where necessary to clarify the procedure for demolition in the CIX-1A Zone and the design review procedure for projects in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones.

Also, the proposal would change the maximum size of a Secondary Unit to be consistent with changes proposed in Section 17.103.080 (750 square feet or 75% of the floor area of the primary dwelling unit, whichever is less).

The amendments would also change the method of verifying notice mailing for both Track 3 Small Project and Special Project Design Review from the current Certified Mail to the proposed Certificate of Mailing.

Another proposed amendment would change the Major Design Review language in Section 17.136.040(D) to be consistent with the proposed citywide size thresholds in Section 17.134.020(1)(e) and throughout the Planning Code for projects requiring a Major CUP.

34. Amendments to the Planned Unit Development Procedure (Chapter 17.140).

Staff proposes to amend Sections 17.140.040 and 17.140.110 to provide for a potentially longer time period than just 1 year to be specified for the submission of a final PUD plan.

35. Amendments to the Mini-Lot and Planned Unit Development Regulations (Chapter 17.144).

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

The proposal is to allow for these same amended Mini-Lot Regulations in all of the RM-2 zoned areas throughout the city, and thereby ease the regulatory hurdles for small-scale infill subdivisions as a means of increasing the home ownership opportunities for Oakland residents.

36. Amendments to the Rezoning and Law Change Procedure (Chapter 17.140).

As also amended for the Administrative Procedure Chapter (17.130), amend the rezoning and law provisions in Sections 17.144.020 and 17.144.090 to be consistent with State law, specifying that if the Planning Commission has not forwarded a recommendation to the City Council within a reasonable time after receiving a final Planning Staff recommendation, the City Council body may, by written notice, require the City Planning Commission to render its written report within 40 days.

Geographically Specific Planning Code Text, Zoning Map, and Height Area Amendments

37. Amendments to the D-BV Broadway Valdez Commercial District Zones Regulations (Chapter 17.101C).

Since adoption of the Broadway Valdez Specific Plan and the new D-BV Zones in 2014, the pace of development in the Plan Area has accelerated- with over 1,950 new housing units and nearly 300,000 square feet of new commercial activity already applied for, approved, or constructed. In order to build on the Plan's success and encourage even more future retail, Additional Regulation 1 for Table 17.101C.06 (Retail Priority Sites) is proposed to be amended to add the "Acura block" (defined by

Harrison, 24th, Valdez, and 27th Street) to the sites that qualify for an additional height and FAR bonus if a project includes more than the minimum retail square footage required (see **Attachment A**).

- 38. Apply the BV-4 Zone and Height Map to the northwest corner of 23rd and Valley Street, and to the eastern half of the 24th/25th St. block between Broadway and Telegraph, to encourage adaptive re-use and infill, and prioritize ground floor uses for retail, art galleries, and other compatible activities.**

Staff proposes to apply the D-BV-4 Zone and Height Map to the northwest corner of 23rd and Valley Street and to the eastern half of the 24th/25th Street block between Telegraph and Broadway (see **Attachment C**). The goal is to include more compatible areas along the west side of Broadway into the successful regulatory structure established by the D-BV Zones. This will encourage adaptive re-use and infill in these areas, and allow for the application of regulations that prioritize the ground floor of any new and existing buildings in the area for more retail, art galleries, artist studios and other compatible uses.

Currently, the eastern half of the 24th/25th Street block is zoned CC-3. If rezoned to D-BV-4 as proposed, the limitations that will apply in this area would:

- prohibit Health Care Civic and Administrative Civic Uses on the ground floor (both are outright permitted in CC-3);
- prohibit Medical Service and Consultative & Financial Commercial Uses on the ground floor (both are also outright permitted in CC-3); and
- prohibit Administrative Commercial Uses on the ground floor from the center of the block to the street edge along 25th Street (again this use is currently outright permitted in CC-3).

These use restrictions would encourage more retail, art galleries, and other compatible uses on the ground floor, thereby facilitating a more complete extension of the Art Murmur district to Broadway than has occurred to date.

Also, the northwest corner of 23rd and Valley Street and the eastern half of the 24th/25th Street block between Broadway and Telegraph have seen little to no new investment in recent times. There are currently many open parking areas, empty buildings, and underused sites in the area. Extending the adjacent D-BV-4 Zone and 85-foot height area would encourage adaptive re-use and infill in these areas.

- 39. Revise the zoning designations for the 3rd and 7th St. areas between West Oakland BART and Downtown to:**

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

- 40. Change the height limit for the corner of Broadway, Brook St., and Piedmont Ave. from 45 ft. to 65 ft. to be more in scale with the height limits allowed on the other corners at this intersection.**

Prior to 2014, the height limit that applied to the corner of Broadway, Brook St., and Piedmont Avenue was 75 feet. Staff proposes to increase the height limit for this important corner from the current 45 feet to 65 feet (see **Attachment E**), due to a reconsideration of the urban design appropriateness of restricting one corner of this important gateway intersection to a dramatically lower height map designation compared to the surrounding intersection parcels (which vary in height map area from 85 feet to 200 feet).

41. Apply the D-LM-2 Zone and Height Map to two parcels on the north side of 14th Street between Harrison and Alice Streets.

Staff proposes to extend the boundary of the D-LM-2 Zone and the LM-85 Height Area along the northern side of 14th Street between Harrison and Alice Street to include an adjacent parking lot and one-story building that was not originally included in the D-LM rezoning in 2014 (see **Attachment F**). This map change will form a straighter and more logical boundary line between D-LM-2 and the adjacent CBD-C Zone to the north.

42. Apply the CIX-2 Zone to the block defined by 47th Ave., E. 12th St., 50th Ave., and San Leandro St.; and to certain parcels near Interstate 880 between 45th Ave. and 42nd Ave. where the current zone boundary does not follow parcel and street lines.

In the area surrounding the block defined by 47th Avenue, E. 12th Street, 50th Ave., and San Leandro St., there is currently no clearly defined edge between residential and industrial areas, and these two uses interweave and overlap among individual parcels. This land use pattern has resulted in heavy truck traffic with its associated noise and fumes directly affecting the surrounding residential neighborhood. Staff proposes to change the zoning for this block from the city's heaviest industrial zone, IG (General Industrial), to the lighter industrial zone, CIX-2 (Commercial Industrial Mix-2), in order to help establish a more clearly defined boundary between heavy and light industrial land uses (see **Attachment G**). Currently, the boundary between these industrial land use types is not well established. This map amendment seeks to further clarify this edge and transition to lighter commercial uses in proximity to the adjacent residential areas.

In addition, staff proposes to adjust the zone boundary between IG and CIX-2 for certain parcels near Interstate 880 between 45th Avenue and 42nd Avenue, to establish a more logical zoning boundary that follows parcel and street lines.

ENVIRONMENTAL DETERMINATION

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

The proposed amendments to the Planning Code Text, Zoning Map and Zoning Height Areas would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and

there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

KEY ISSUES AND IMPACTS

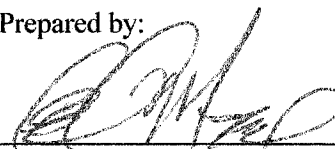
The proposed Code amendments described in this staff report are intended to clean up and better organize the Planning Code by making edits that clarify sections that are currently unclear, and making more substantive changes to make the Code more consistent with industry standards and good development practices.

Completing this code clean-up is a staff priority since other Code amendment initiatives that will come before the Planning Commission and City Council in 2016, including but not limited to a proposed update of the City's parking regulations, will need to incorporate and build upon these clean-up items.

RECOMMENDATIONS

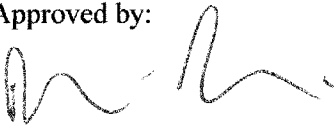
1. Affirm staff's environmental determination;
2. Recommend that the City Council approve the proposed Planning Code Text, Map, and Height Area amendments; and
3. Find that existing regulations being amended or deleted are inadequate and otherwise contrary to the public interest.

Prepared by:



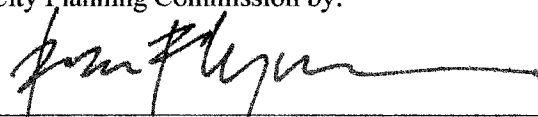
Ed Manasse, Strategic Planning Manager

Approved by:



Darin Ranelletti, Deputy Planning Director

Approved for forwarding to the
City Planning Commission by:



Rachel Flynn, Director - Department of Planning and Building

ATTACHMENTS:

- A. Proposed Planning Code Text Amendments
- B. Letters from homeowners the City has received recently requesting the reduction of regulatory barriers that impede the approval of a Secondary Unit
- C. Proposed Zoning Map and Height Area Amendment to the northwest corner of 23rd and Valley Street, and to the eastern half of the 24th/25th St. block near Broadway
- D. Proposed Zoning Map Amendment to the 3rd Street to 7th Street areas between the West Oakland BART station and Downtown
- E. Proposed Zoning Height Area Amendment to the corner of Broadway, Brook Street, and Piedmont Avenue
- F. Proposed Zoning Map and Height Area Amendment to two parcels on the north side of 14th Street between Harrison and Alice Streets
- G. Proposed Zoning Map Amendment to the block defined by 47th Ave., E. 12th St., 50th Ave., and San Leandro St.; and to certain parcels near I-880 between 45th Ave. and 42nd Ave.

ATTACHMENT A

Title 17 PLANNING

Chapters:

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

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

Chapter 17.01 GENERAL PROVISIONS OF PLANNING CODE AND GENERAL PLAN CONFORMITY

Sections:

17.01.040 Exceptions to requirement for General Plan conformity.

17.01.050 General Plan prevails over Planning Code and Subdivision Regulations.

~~17.01.060 Guidelines for determining General Plan conformity.~~

17.01.080 Appeal of Director's determination.

17.01.100 Proposals clearly in conformance with General Plan.

17.01.110 Proposals for which General Plan is silent or not clear on conformance.

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

17.01.040 Exceptions to requirement for General Plan conformity.

The provisions of this Chapter shall not be construed to preclude the operation, maintenance, and occupancy of any activity or facility that existed lawfully prior to the effective date of this Chapter. Such activities and facilities shall be subject to the nonconforming use regulations in Chapter 17.114.

(Ord. 12054 § 2 (part), 1998)

17.01.050 General Plan prevails over Planning Code and Subdivision Regulations.

Until the Planning Code is fully updated, land use designations, zoning controls and subdivision controls specified by the Planning Code and Subdivision Regulations shall apply, except where such action would expressly conflict with the Oakland General Plan. Where an express conflict does arise, the General Plan policies and land use designations shall apply. An "express conflict" shall be deemed to be any situation where a proposal clearly conforms with the General Plan but is not permitted by the portion of Zoning and/or Subdivision Regulations that have not been fully updated, or where a proposal clearly does not conform with the General Plan, but is permitted or conditionally permitted by the portion of Zoning and/or Subdivision Regulations that have not been fully updated. The provisions of Sections 17.01.070 17.01.060 through 17.01.080 shall be used to determine whether an express conflict exists and the provisions of Sections 17.01.100 through 17.01.120, as applicable, shall then be followed.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12054 § 2 (part), 1998)

~~**17.01.060 Guidelines for determining General Plan conformity.**~~

~~The City Planning Commission shall adopt guidelines for determining the General Plan conformity of any specific proposal. Such guidelines shall address activity and facility types, density and intensity of development, and relevant General Plan policies. They shall also identify the "best fit" zones of the Zoning Regulations, and other possible zones, corresponding to the land use classifications of the General Plan.~~

(Ord. 12054 § 2 (part), 1998)

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

The Director of City Planning shall determine whether any specific proposal conforms to the General Plan. ~~The Director shall use the guidelines adopted pursuant to Section 17.01.060 in making this determination.~~ Any interested party may apply for a written General Plan conformity determination upon payment of a fee as prescribed in the city master fee schedule. Prior to making a decision, there shall be notice given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved pursuant to Section 17.134.040.

(Ord. 12514 § 2 (part), 2003; Ord. 12054 § 2 (part), 1998)

17.01.080 Appeal of Director's determination.

- A. Within ten (10) calendar days of a written determination by the Director of City Planning pursuant to Section 17.01.070, an appeal of such determination may be taken to the City Planning Commission by the applicant or any other interested party. Such appeal shall be accompanied by a fee as prescribed in the City master fee schedule, and shall be processed in accordance with the administrative appeal procedure in Chapter 17.132.

17.01.100 Proposals clearly in conformance with General Plan.

- A. If Permitted or Conditionally Permitted by Zoning ~~and/or Subdivision Regulations~~ (No "Express Conflict"). Any proposal determined to clearly conform with the General Plan and which is permitted or conditionally permitted by the Zoning ~~and/or Subdivision Regulations~~ shall be processed in accordance with such code and/or regulations.
- B. If Not Permitted by the portion of Zoning and/or Subdivision Regulations not fully updated ("Express Conflict"). Any proposal determined to clearly conform with the General Plan and which is not permitted by the portion of Zoning and/or Subdivision Regulations not fully updated may be approved upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Such use permit shall be processed as a minor conditional use permit or a major conditional use permit in conformance with the provisions of Chapter 17.134. A conditional use permit for such proposal may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to the following additional use permit criteria:
 3. That the proposal will clearly promote implementation of the General Plan. Any such proposal shall be subject to the provisions of the "best fit zone" corresponding to the land use classification in which the proposal is located, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060.~~ If there is more than one "best fit zone," the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan.
- C. Optional Rezoning in Lieu of Conditional Use Permit ("Express Conflict"). At his or her option, in lieu of the conditional use permit provided for by Subsection B. of this Section, the applicant may apply for a rezoning pursuant to the rezoning and law change procedure in Chapter 17.144. Any such rezoning shall be to the "best fit zone" or other possible zone corresponding to the land use classification in which the proposal is located, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060.~~ If

such a rezoning is approved, the proposal shall then be subject to all of the provisions of the new zone, including but not limited to, any required conditional use permit.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12054 § 2 (part), 1998)

17.01.110 Proposals for which General Plan is silent or not clear on conformance.

- A. If Permitted or Conditionally Permitted by Zoning ~~and/or Subdivision Regulations~~ (No "Express Conflict"). Any proposal for which the General Plan is silent or not clear as regards conformity and which is permitted or conditionally permitted by the Zoning ~~and/or Subdivision Regulations~~ shall be processed in accordance with such code and/or regulations.
- B. If Not Permitted by Zoning ~~and/or Subdivision Regulations~~ (No "Express Conflict"). Any proposal for which the General Plan is silent or not clear as regards conformity, and which is not permitted by the Zoning ~~and/or Subdivision Regulations~~ shall be processed in accordance with such code and/or regulations. At his or her option, the applicant may modify the project to conform to the code and/or regulations, may apply for a variance pursuant to the variance procedure in Chapter 17.148, or may apply for a rezoning pursuant to the rezoning and law change procedure in Chapter 17.144. Any such rezoning shall be to the "best fit zone" or other possible zone corresponding to the land use classification in which the proposal is located, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060.~~ If such a rezoning is approved, the proposal shall then be subject to all of the provisions of the new zone, including but not limited to, any required conditional use permit.

(Ord. 12054 § 2 (part), 1998)

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

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

- A. If Permitted or Conditionally Permitted by Zoning ~~and/or Subdivision Regulations~~ ("Express Conflict"). At his or her option, the applicant may modify the project to conform to the General Plan, request a General Plan conformity determination from the Director of City Planning pursuant to Section 17.01.070, or may apply for a General Plan Amendment. If such amendment involves the land use classification, the amendment shall be to the land use classification corresponding to the "best fit zone" or other possible zone in which the proposal is located, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060~~
- B. If Not Permitted by Zoning ~~and/or Subdivision Regulations~~ (No "Express Conflict"). If proposal is not permitted under the Zoning Regulations, the applicant may apply for a rezoning pursuant to the rezoning and law change procedure in Chapter 17.144 in addition to a General Plan amendment. Any such rezoning shall be to the "best fit zone": or other possible zone corresponding to the land use classification of the associated General Plan amendment, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060.~~ If such a rezoning is approved, the proposal shall then be subject to all of the provisions of the new zone, including but not limited to, any required conditional use permit.

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- C. If permitted or conditionally permitted by Zoning Regulations, and where determined by the Planning Director to be consistent with the surrounding land uses and appropriate for the area, notwithstanding that the project may not be consistent with the General Plan classification shown on the Land Use Diagram. It is recognized that the General Plan land uses have been broadly applied to areas without parcel by parcel specificity and that the Land Use Diagram details are largely illustrative of the Plan's written goals and policies. Because the Diagram is generalized, and does not necessarily depict the accuracy of each parcel or very small land areas, a determination of project consistency can be requested of the Director of City Planning. The applicant must demonstrate to the satisfaction of the Planning Director that the predominant use, or average density, is different from that shown on the Diagram and is appropriate for the area in question and that the project is in conformance with the written goals and policies of the General Plan. ~~The project may be allowed upon the granting of an interim conditional use permit or a conditional use permit.~~ Written notice of the Director's determination shall be sent to all property owners within three hundred (300) feet of the property involved. The Director's determination may be appealed to the City Council pursuant to Section 17.01.080B.

(Ord. 12514 § 2 (part), 2003; Ord. 12054 § 2 (part), 1998)

Chapter 17.03 CITY PLANNING COMMISSION

Sections:

17.03.010 City Planning Commission, Landmarks Preservation Advisory Board and Board of Adjustments.

17.03.020 Preservation powers and duties of City Planning Commission.

17.03.030 Additional powers and duties of the City Planning Commission.

17.03.040 Residential Appeals Committee of the City Planning Commission

17.03.010 City Planning Commission, Landmarks Preservation Advisory Board and Board of Adjustments.

- B. Abolition of Board of Adjustments. The Board of Adjustments is abolished; provided, however, that all matters pending before the Board of Adjustments on the effective date of this Section shall be heard and determined by the Board, or by the City Council in cases of appeal, in the same manner in effect prior to the effective date.
- F. Staggered Terms. Commencing with the effective date of the ordinance codified in this Section, Commission and Board members shall be appointed to staggered terms, such terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be only for the unexpired portion of the term.
- G. Length of Terms. Except for the initial appointments made immediately following passage of the ordinance codified in this Section, which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to Subsection F, of this Section, all appointments shall be for a period of three (3) years.
- H. 1. Limit on Consecutive Terms. Commencing with the effective date of the ordinance codified in this Section, no person shall serve more than two (2) consecutive terms as a member of the Commission or Board. Members of the Commission or Board sitting on the effective date of the ordinance codified in this Section shall not be appointed to serve more than one additional consecutive term as a member of the Commission or Board.

17.03.020 Preservation powers and duties of City Planning Commission.

The City Planning Commission shall have and exercise the following powers. It shall be advised and assisted in the exercise of these powers by the Landmarks Preservation Advisory Board.

- B. Contracts wWith Property Owners. The Commission may negotiate with owners of properties having special characteristics for, and may recommend to the City Council the approval of, contracts to restrict the use of such property and to retain such characteristics.
- H. Relationship to Powers of Director of City Planning and Others. This Section is not intended to restrict the powers and duties otherwise pertaining to the Director of City Planning, or to other city officers or bodies, in the field of preservation. They shall have the powers and duties assigned to them by the Zoning Regulations, by other codes and ordinances, by the City Charter, or by valid administrative authority.

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(Ord. 12054 § 1(d), 1998; prior planning code § 3)

17.03.030 Additional powers and duties of the City Planning Commission.

In addition to the powers and duties of the City Planning Commission as specified at Sections 17.03.010 and 17.03.020, the City Planning Commission shall have and exercise the following powers and duties:

- C. Detailed Descriptions. Status reports submitted in fulfillment of Subsection B₂ of this Section must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the Commission.

Chapter 17.07 TITLE, PURPOSE AND SCOPE OF THE ZONING REGULATIONS

Sections:

17.07.010 Title, purpose, and applicability.

17.07.040 Applicability of zoning regulations.

17.07.060 Conformity with zoning regulations required.

17.07.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Title and Scope of the Zoning Regulations. The purpose of these provisions is to specify the title, purposes, and applicability of the zoning regulations and to require conformity to said regulations. These provisions shall apply to the entire zoning regulations.

(Ord. 12054 § 1(a), 1998; prior planning code § 2000)

17.07.040 Applicability of zoning regulations.

- A. To Which Property Applicable. The zoning regulations shall apply, to the extent permissible under other laws, to all property within the City of Oakland, and to property outside Oakland to the extent provided in Subsection B₁ of this Section, regardless of whether such property is in private or public ownership.

17.07.060 Conformity with zoning regulations required.

Except as otherwise allowed by Section 17.114.030 and by the nonconforming use regulations in Chapter 17.114, or as authorized under Section 17.138.015, the development agreement procedure in Chapter 17.138, or the variance procedure in Chapter 17.148, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, ~~maintained~~, or otherwise changed, and no lot lines shall be created or changed, except in conformity to the zoning regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12054 § 1(a), 1998; prior planning code § 2010)

Chapter 17.09 DEFINITIONS

Sections:

17.09.010 Title, purpose, and applicability.

17.09.020 General rules for construction of language.

17.09.040 Definitions.

17.09.050 Special definitions for projects in the Open Space (OS) Zone.

17.09.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases as hereinafter set forth shall apply throughout the zoning regulations, except where the context of such words or phrases clearly indicates a different meaning or construction.

(Ord. 12054 § 1(c), 1998; prior planning code § 2100)

17.09.020 General rules for construction of language.

The following general rules of construction shall apply to the textual provisions of the zoning regulations:

J. The word "city" means the City of Oakland.

(Ord. 12054 § 1(c), 1998; prior planning code § 2101)

17.09.040 Definitions.

"Commercial Zone" means any zone with a name that contains the words "Commercial Zone."

"Dependent parking space" means a parking space which can only be accessed by driving across another parking space. (See also "Independent parking space" and "Tandem parking" in this Section.)

"Facility Type" means a type of facility which is specially described as such by the use classifications in Chapter 17.10 on the basis of common functional characteristics and similar effects on other uses, and which is designated throughout the zoning regulations by a special name each word of which starts with a capital letter.

"Family foster care home" means a Residential Activity providing twenty-four (24) hour care for six (6) or fewer foster children in a Residential Facility that is the residence of the foster parents, including their family, in whose care the foster children have been placed.

"Finished grade" means:

1. Natural grade exterior to all buildings or structures created by any proposed development in all those situations not covered by Subsection 2, of this definition;
2. A revised grade exterior to all buildings or structures created by any proposed development where the revised grade is achieved under a City grading permit,

subdivision approval, or conditional use permit or other special zoning approval, or through officially approved work in a public right-of-way.

"Floor Area":

2. "Floor area," for all projects with one or two dwelling units on a lot, means the total square footage of all levels of all buildings on the lot. Levels shall be measured horizontally from the outside surface of exterior walls and supporting columns. The amount of floor area in each building shall be determined by the following criteria:
 - a. Floor area shall include all enclosed shafts, including stairwells, ventilation shafts and similar vertical shafts; the floor area of such shafts shall consist of the horizontal projection into the shaft of surrounding floor area; and
 - b. Floor area shall not include:
 - i. Unenclosed living areas such as balconies, decks and porches;
 - ii. Carports that are unenclosed on two (2) or more sides;
 - iii. Up to four hundred forty (440) square feet within an attached or detached garage or carport that is enclosed on three (3) or more sides;
 - iv. Nonhabitable accessory structures of less than one hundred twenty (120) square feet;
 - v. Attics and basements, as defined in the Oakland Planning Code, that do and not qualify as a story; and
 - vi. Finished and unfinished understories and basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least fifty percent (50%) of the perimeter and does not exceed twelve (12) feet above grade at any point.

"Height" means the vertical distance of any structure, building, fence, Sign, retaining wall, or other facility measured from any point on top of the facility to a line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a perpendicular plane connecting opposite points of finished grade at ~~on~~ the outside perimeter of the facility.

1. The height of any portion of a facility within six (6) feet of a retaining wall shall be measured from finished grade at the perimeter of the facility or at the base of the retaining wall, whichever is lower, subject to the following exceptions:
 - a. The height of any fence separated by a distance of at least eighteen (18) inches from the inside face of a retaining wall shall be measured from finished grade at the perimeter of the fence.
 - b. The height of any facility abutting a light well, depressed landing, or similar facility that extends entirely below surrounding finished grade and no more five (5) feet from the perimeter of the abutting facility shall be measured from the surrounding finished grade at the outside perimeter of the facility, not including the light well, depressed landing, or similar facility.

"Home occupation" means an accessory activity of a nonresidential nature which is performed:

1. Within a living unit; or
2. Within a garage or accessory structure attached or detached thereto and reserved for use therefore, by an occupant of the living unit and which is customarily incidental to the residential use of the living unit; or.

3. For Limited Agricultural Activities and/or bee keeping, in an outdoor area on the same lot which is customarily incidental to the residential use of the living unit.

A home occupation shall be subject to the provisions of Chapter 17.112.

"Independent parking space" means a parking space which can be accessed without driving across another parking space. (See also "Dependent parking space" and "Tandem parking" in this Section.)

"Industrial Zzone" means any zone with a name that contains the words "Industrial Zone."

"Major Conditional Use Permit" means a conditional use permit which involves any of the purposes listed in Section 17.134.020A.

"Major Variance" means a variance which involves any of the provisions listed in Section 17.148.020A.

"Minor Conditional Use Permit" means a conditional use permit which does not involve any of the purposes listed in Section 17.134.020A.

"Minor Variance" means a variance which does not involve any of the provisions listed in Section 17.148.020A.

"Mixed use development" means an integrated development containing Residential, Commercial and/or Industrial Activities and adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or which may be contained in a single building.

"Planned Unity Development (PUD)" means a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

"Principal building" means a main building that is occupied by a principal activity.

"Private access easement" means a privately owned and maintained right-of-way which provides vehicular access to each of not more than four (4) lots. A private access easement allows the creation of no more than four (4) lots without street frontage, each with vehicular access on the easement. The area designated for the private access easement shall be excluded in computing minimum lot areas. A private access easement shall be a part of one or more lots. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the private access easement may be located within the public right-of-way. Private access easements shall not be named. Addresses for the living units served by the easement shall conform to the address range of the street upon which the easement abuts.

"Rapid transit" means a system of high-speed mass transit, often operating on exclusive rights-of-way, including but not limited to, the Bay Area Rapid Transit (BART) and Bus Rapid Transit (BRT) systems.

"Residential Facility" means any structure, open area, or object which accommodates or is intended to accommodate Residential Activities. Residential Facilities also include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to Residential Activities.

"Residential Zzone" means any zone with a name that contains the words "Residential Zone."

"Rooming Unity" means a room or suite of rooms, not including a kitchen, designed or occupied as separate living quarters, with or without common boarding provisions, but excluding

such rooms where they accommodate a total of three (3) or fewer paying guests within a One-Family Dwelling Residential Facility through the main portion of which access may be had to all such rooms; provided that in the case of student dormitories and similar group living arrangements, each two beds shall be deemed a rooming unit.

"Secondary Unit" means a subordinate dwelling unit that is located on the same lot as a larger primary dwelling unit, is either attached or detached, and meets the standards and criteria of Section 17.103.080.

"Shared access facility" means a common driveway as defined in this Section or a private access easement as defined in this Section.

"Tandem parking" means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces. A space which can only be accessed by driving across another space is called a dependent parking space. A space which can be accessed without driving across another space is called an independent parking space. (See also "Dependent parking space" and "Independent parking space" in this Section.)

17.09.050 Special definitions for projects in the Open Space (OS) Zone.

- A. **"Change in use"** means any activity which is not already established in the particular park or open space, or the significant expansion of any existing use. Changes in the ongoing, regularly-scheduled recreational programs offered by the City of Oakland, regional park district, and similar agencies shall not be considered "changes in use" unless they involve permanent structural changes to parks or park facilities. Conditionally permitted changes in use are listed in Sections 17.11.050, 17.11.060 and 17.11.090.
- B. **"Improvement"** means any project which, if proposed by a private applicant, would require issuance of a building, grading, or demolition permit by the City of Oakland. Parking lots shall also be included. Routine building and grounds maintenance where there is no change in the size, height, or external appearance of structures or grounds; and routine landscaping and/or landscape improvements, including irrigation systems, are not included. Conditionally permitted improvements are listed in Sections 17.11.050, 17.11.060 and 17.11.090.

Chapter 17.10 USE CLASSIFICATIONS

Sections:

Article I - General Classification Rules

Article II - Activity Types

Part 1 - Residential Activity Types

Part 2 - Civic Activity Types

Part 3 - Commercial Activity Types

Part 4 - Industrial Activity Types

Part 5 - Agricultural and Extractive Activity Types

Article III - Facility Types

Part 1 - Residential Facility Types

Part 2 - Nonresidential Facility Types

Part 3 - Sign Types

Part 4 - Telecommunications Facility Types

Article I General Classification Rules

17.10.010 Title, purpose, and applicability.

17.10.030 Listing of activity classifications.

17.10.040 Accessory activities.

17.10.050 Classification of combinations of principal activities.

17.10.060 Listing of facility classifications.

17.10.070 Accessory facilities.

17.10.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Use Classifications. The purpose of these provisions is to classify uses into a number of specially defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations.

(Prior planning code § 2200)

17.10.030 Listing of activity classifications.

All activities are classified into the following activity types, which are described in Article II of this Chapter. (See Section 17.10.050 for classification of combinations of activities resembling

different types.) The names of these activity types start with capital letters throughout the zoning regulations.

A. Residential Activities:

Permanent

Residential Care

~~Service-Enriched Permanent~~ Supportive Housing

Transitional Housing

Emergency Shelter

Semi-Transient

Bed and Breakfast

17.10.040 Accessory activities.

In addition to the principal activities expressly included therein, each activity type shall be deemed to include such activities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal activity; are located on the same lot as such principal activity except as otherwise provided in Subsections A, J, and K of this Section; and meet the further conditions set forth hereinafter. Such accessory activities shall be controlled in the same manner as the principal activities within such type except as otherwise expressly provided in the zoning regulations. Such accessory activities include, but are not limited to, the activities indicated below, but exclude the sale of alcoholic beverages to the general public except at a full-service restaurant or at an alcoholic beverage manufacturer, as described in Sections 17.10.550, 17.10.560, and 17.103.030. (See also Section 17.10.050 for additional activities included within activity types in the case of combinations of different principal activities.)

B. Home occupations, subject to the applicable provisions of the home occupation regulations in Chapter 17.112;

C. Residential occupancy in connection with a principal Nonresidential Activity on the same lot, but only:

1. If the residents are required to remain on the premises for protective, conference, or comparable technical purposes, or
2. As joint living and work quarters subject to the applicable provisions of Section 17.102.190;

D. Operation of an employee cafeteria by a firm engaging in a principal Nonresidential Activity on the same lot;

E. Sale of goods on the same lot as a principal Civic Activity, but only if such goods are available only to persons participating in the principal activity;

H. Operation of an administrative office of a firm engaged in a principal ~~Manufacturing or~~ Industrial Activity on the same lot, but only if such office does not occupy more than fifty ~~(50)~~ percent (50%) of the total floor area and open sales, display, storage, and service area occupied by such firm on the lot;

- I. Wholesale sale, or retail sale of goods produced by a principal ~~Manufacturing or Industrial Activity~~ on the same lot;
- N. Car-sharing services and parking spaces are considered accessory to all activities, as long as required parking space for that activity is not taken by car-sharing trucks and automobiles. Car-sharing services are considered accessory to all facility types, excepting: One-Family Dwellings, One-Family Dwellings with Ssecondary Units, two-unit dwellings, and rooming houses.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12078 § 5 (part), 1998; prior planning code § 2211)

17.10.050 Classification of combinations of principal activities.

The following rules shall apply where a single lot contains activities which resemble two or more different activity types and which are not classified by Section 17.10.040 as accessory activities:

- C. Classification of Different Activities wWithin Same Major Class, Conducted by Single Establishment. If principal activities conducted on a single lot by a single establishment, management, or institution resemble two or more different activity types within the same major class of activities, all such principal activities shall be classified in the activity type within said class the description of which type most closely portrays the overall nature of such activities. However, when they have any of the characteristics of Utility and Vehicular, Health Care, or Extensive Impact Civic Activities; Alcoholic Beverage Sales; or General Wholesale Sales; Commercial Activities; General Manufacturing, ~~or Heavy/High Impact Manufacturing~~, or Warehousing, Storage, and Distribution-Automotive Salvage/Junk Yards Industrial Activities; or Limited Agriculture, Extensive Agriculture, Crop and Animal Raising or Mining and Quarrying Agricultural or Extractive Activities, all such principal activities within the same major class of activities as any of such types shall be classified within that one of such types the description of which most closely portrays said principal activities; except that all such Industrial Activities shall be classified within the Warehousing, Storage, and Distribution-Automotive Salvage/Junk Yards Industrial Activities type if they have any of its characteristics, and all such Industrial Activities shall be classified within the Heavy/High Impact Industrial Activities type if they have any of its characteristics.
- D. Classification of Different Activities wWithin the Same Major Class Conducted on the Site of an Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activity. All principal activities conducted on the site of an Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activity shall be classified as Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities regardless of separate ownership or management, unless said principal activity is listed as a Conditionally Permitted Activity pursuant to the individual zone regulations and such principal activity requires a Major Conditional Use Permit pursuant to Section 17.134.020.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; prior planning code § 2213)

17.10.060 Listing of facility classifications.

All facilities are classified into the following facility types, which are described in Section Article III of this Chapter. (See Section 17.10.080 for classification of combinations of facilities resembling different types.) The names of these facility types start with capital letters throughout the zoning regulations.

D. Telecommunications Facilities:Micro TelecommunicationsMini TelecommunicationsMacro TelecommunicationsMonopole TelecommunicationsTower Telecommunications

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 11904 § 5.03, 1996; prior planning code § 2220)

17.10.070 Accessory facilities.

In addition to the principal facilities expressly included therein, each Residential and Nonresidential Facility type shall be deemed to include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal facility; are located on the same lot as such principal facility except as otherwise provided in Subsections A., F., and G. of this Section; and meet the further conditions set forth hereinafter. Such accessory facilities shall be controlled in the same manner as the principal facilities within such type except as otherwise expressly provided in the zoning regulations. They include but are not limited to the following facilities, but shall not be deemed to include Signs, which are classified and controlled separately:

- C. Storage and service areas and accessory buildings, other than those listed elsewhere in this Section, if serving a principal facility on the same lot; provided, however, that no such facilities which are unenclosed shall qualify as accessory to any principal Enclosed Nonresidential Facility except for open areas, not exceeding two hundred (200) square feet each, for the temporary storage of trash;
- E. Living quarters in connection with a principal Nonresidential Facility on the same lot, but only:
 - 1. If the residents are required to remain on the premises for protective, conference, or comparable technical purposes, or
 - 2. As joint living and work quarters subject to the applicable provisions of Section 17.102.190;
- F. Temporary construction yards and similar facilities which are necessary and incidental to development of facilities on the same lot, or on another of several lots being developed at the same time;

Article II Activity Types

Part 1 Residential Activity Types

17.10.100 General description of Residential Aactivities.

17.10.110 Permanent Residential Aactivities.

17.10.112 Residential Care Residential Aactivities.

17.10.114 ~~Service-enriched permanent~~ Supportive Housing Residential Aactivities.

17.10.116 Transitional Housing Residential Aactivities.

17.10.118 Emergency Shelter Residential Aactivities.

17.10.120 Semi-Transient Residential Aactivities.

17.10.125 Bed and Breakfast Residential Aactivities.

17.10.100 General description of Residential Aactivities.

Residential Activities include the occupancy of living accommodations on a wholly or primarily nontransient basis; except for transient occupancy of Emergency Shelters; but exclude institutional living arrangements other than those that are defined as Residential Care, ~~Service-Enriched Permanent~~ Supportive Housing, Transitional Housing, and Emergency Shelter Residential Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; prior planning code § 2250)

17.10.110 Permanent Residential Aactivities.

Permanent Residential Activities include the occupancy of living accommodations on a weekly or longer basis, with none of the living units under the same ownership or management on the same lot being occupied on a shorter basis; but exclude institutional living arrangements other than state-licensed Residential Care Facilities for six (6) or fewer residents, including ~~family foster care homes; service-enriched permanent housing facilities for six (6) or fewer residents; and transitional housing facilities for six (6) or fewer residents.~~ However, such state-licensed Residential Care Facilities, ~~service-enriched permanent housing facilities and transitional housing facilities~~ shall be subject to the three hundred (300) foot separation requirement in Section 17.103.010.B. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; prior planning code § 2260)

17.10.112 Residential ~~Care~~ Residential ~~A~~activities.

Residential Care Residential Activities include all ~~R~~esidential ~~Care~~ ~~F~~acilities that require a state license or are state licensed for seven (7) or more residents which provide twenty-four (24) hour primarily nonmedical care and supervision. Occupancy of living accommodations by six (6) or fewer ~~residents disabled persons, elderly persons, or persons in need of support services for chemical dependency recovery; or a family foster care home; or occupancy of any facilities supervised by or under contract with the State Department of Corrections; or service-enriched permanent housing facilities for six (6) or fewer residents; or transitional housing facilities for six (6) or fewer residents,~~ are excluded. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. State licensed ~~R~~esidential ~~Care~~ ~~F~~acilities for six (6) or fewer residents shall be treated as Permanent Residential Activities except with regard to the three hundred (300) foot separation requirement in Section 17.103.010.B.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999)

17.10.114 ~~Supportive Service-enriched permanent H~~ousing ~~R~~esidential ~~A~~activities.

Supportive Housing Residential Activities include housing: (a) with no limit on length of stay; (b) that is linked to an onsite or offsite service that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community; and (c) that is occupied by the following target population (as defined in subdivision (g) of Government Code Section 65582):

- A. Adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions and may, among other populations, include adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people; or
- B. Individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code), who include individuals with a disability that originated before the individual was eighteen (18) years old, but not including handicapping conditions that are solely physical in nature.

~~Service-Enriched Permanent Housing Residential Activities for seven (7) or more residents include permanent housing in which residents are tenants who live independently and have access to various voluntary support services, such as, health, mental health, education and employment/training services. These services may be provided on-site and/or off-site. If support services are also offered on-site and/or off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Service-Enriched Permanent Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.~~

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999)

17.10.116 Transitional ~~H~~ousing ~~R~~esidential ~~A~~activities.

Transitional Housing Residential Activities (per State of California Government Code 65582(h), as may be amended) include housing configured as rental housing developments, but

operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months from beginning of assistance.

~~Transitional Housing Residential Activities for seven (7) or more residents include all types of "transitional housing programs" as defined by the state of California, which are designed to assist persons in obtaining skills necessary for independent living in permanent housing and which have all of the following components:~~

- ~~A. Support services programs that include regular individualized case management services and may include alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development.~~
- ~~B. Use of a living unit by a resident in a structured living environment, which use is conditioned upon compliance with the transitional housing program rules and regulations.~~
- ~~C. Program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.~~

~~If support services are also offered on-site to off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Transitional Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.~~

~~(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999)~~

17.10.118 Emergency Sshelter Residential Aactivities.

Emergency Shelter Residential Activities include the provision of short term housing, partly on a less-than-weekly basis and partly for a longer period, with or without a fee, to individuals who are homeless and who may require special services. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999)

17.10.120 Semi-Transient Residential Aactivities.

Semi-Transient Residential Activities include the occupancy of living accommodations partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty percent (30%) of the living units under the same ownership or management on the same lot being occupied on a less-than-weekly basis; but exclude institutional living arrangements involving the provision of a special kind of care or forced residence, such as in nursing homes, orphanages, asylums, and prisons. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2261)

17.10.125 Bed and Bbreakfast Residential Aactivities.

The provision of lodging services to transient guests on a less-than-weekly basis, other than in the case of activities classified by another Residential Activity (Sections 17.10.100 through 17.10.120) that have each of the following characteristics:

- A. The activity occupies a One-Family Dwelling Residential Facility, One-Family Dwelling with Secondary Unit Residential Facility, or a Two-Family Dwelling Residential Facility;
- B. The activity allows no more than twelve (12) adult paying guests at any time and contains no more than six (6) guest units;
- C. The activity is located in a facility that is owner occupied;
- D. The activity is located in a facility on a property with an existing or contingency historic rating of "A", "B", "C", or "D", or is a Landmark according to the City of Oakland Office of Historic Preservation;
- E. The facility includes incidental eating and drinking services for lodgers only that are provided from a single kitchen per bed and breakfast establishment.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

Part 2 Civic Activity Types

17.10.130 General description of Ccivic Aactivities.

17.10.140 Essential Sservice Ccivic Aactivities.

17.10.150 Limited Cchild-Care Aactivities.

17.10.160 Community Aassembly Ccivic Aactivities.

17.10.170 Recreational Aassembly Ccivic Aactivities.

17.10.180 Community Eeducation Ccivic Aactivities.

17.10.190 Nonassembly Ccultural Ccivic Aactivities.

17.10.200 Administrative Ccivic Aactivities.

17.10.220 Health Ccare Ccivic Aactivities.

17.10.225 Special Hhealth Ccare Ccivic Aactivities.

17.10.230 Utility and Vehicular Ccivic Aactivities.

17.10.240 Extensive Impact Ccivic Aactivities.

17.10.130 General description of Ccivic Aactivities.

Civic Activities include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other activities which are strongly vested with public or social

importance. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2300)

17.10.140 Essential ~~S~~ervice ~~C~~civic ~~A~~activities.

Essential Service Civic Activities include the maintenance and operation of the following installations:

- A. Electric, gas, and telephone distribution lines and poles, and water, storm drainage, and sewer lines, with incidental appurtenances thereto, but excluding electric transmission lines;
- B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by one (1) or more persons for personal consumption and/or donation. This classification does not include the use of heavy mechanized farming equipment, or commercial sales on or off the premises, except for limited seasonal sales. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to, Municipal Code Chapters 6.04, 8.14, and 8.18;
- C. Botanical gardens;
- D. Private streets;
- E. Public polling places;
- F. Freeways, rapid transit routes, streets, alleys, and paths, but excluding activities on, under, or over such ways which activities are not customarily appurtenant thereto;
- G. Seasonal retail sales conducted for a limited duration under valid license or lease on property owned by the City;
- H. Police and Fire stations;
- I. Post offices, but excluding major mail processing centers;
- J. Telecommunications activities including the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- K. All activities not classified elsewhere in the use regulations that are conducted on City and regional parklands and which are specifically referenced in master plans which are adopted by the Oakland City Council.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12078 § 5 (part), 1998; prior planning code § 2310)

17.10.150 Limited ~~C~~hild-~~C~~are ~~A~~activities.

Limited Child-Care Civic Activities include the provision of day-care service for fourteen (14) or fewer children, provided, however, that care for six (6) or more children be provided only in

facilities licensed by a state or county agency. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2311)

17.10.160 Community Aassembly Ccivic Aactivities.

Community Assembly Civic Activities include the provision of civic activities to assembled groups of spectators or participants at the following institutions or installations. Examples of activities in this classification include but are not limited to the following:

- Churches, temples, synagogues, and other similar places of worship;
- Public and private nonprofit clubs, lodges, meeting halls, and recreation centers;
- Community, cultural, and performing arts center;
- Public and nonprofit gymnasiums and indoor swimming pools.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.170 Recreational Aassembly Ccivic Aactivities.

Recreational Assembly Civic Activities include the provision of recreational activities, typically performed by participants within public facilities. Examples of activities in this classification include but are not limited to the following:

- Food service and other concessions located within public parks;
- Public and parochial playgrounds and playing fields;
- Temporary nonprofit festivals;
- Basketball courts, tennis courts, handball courts, lawn bowling, leisure areas, and similar outdoor park and recreational facilities;
- Community outdoor swimming and wading pools, and other water play features;
- Picnic areas.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.180 Community Education Ccivic Aactivities.

Community Education Civic Activities include the activities typically performed by the following institutions:

- A. Public and private day-care centers for fifteen (15) or more children;
- B. Public and private nursery schools and kindergartens;
- C. Public and private elementary, junior high, and high schools;
- D. Support services provided for independent living skills development including self-improvement education, employment and job training for both on-site and off-site residents in conjunction with ~~Service-Enriched Permanent Housing and Transitional Housing-Residential Activities~~.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; prior planning code § 2316)

17.10.190 Nonassembly Ceultural Ceivic Aactivities.

Activities that are primarily engaged in the display or preservation of objects of interest in the arts or sciences, for public, or private non-profit purposes. Examples of activities in this classification include but are not limited to the following:

- Publicly owned and nonprofit art galleries;
- Plant conservatories;
- Libraries;
- Museums;
- Observatories.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12078 § 5 (part), 1998; prior planning code § 2317)

17.10.200 Administrative Ceivic Aactivities.

Administrative Civic Activities include the activities typically performed by government and public utility administrative offices. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2318)

17.10.220 Health Ccare Ceivic Aactivities.

Health Care Civic Activities include all activities which primarily provide medical care and supervision other than those defined elsewhere in the Zoning Regulations. Examples of activities in this classification include, but are not limited to, the following:

- A. Health clinics;
- B. Hospitals;

- C. Skilled nursing, extended care, ~~residential care (including facilities licensed for six or fewer residents)~~, and assisted living facilities, all of which provide medical care on site;
- D. Nonresidential centers providing psychological or family counseling and mental hygiene services to individuals or groups;
- E. Support services which include regular individualized case management for both on-site and offsite residents in conjunction with ~~Service-Enriched Permanent Housing and Transitional Housing-Residential Activities~~;
- F. Facilities which provide inpatient and/or outpatient medical and/or psychological treatment for mental illness, substance and alcohol abuse and addiction;
- G. State licensed "Adult Day Care Facilities" and "Adult Day Support Centers".

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; prior planning code § 2320)

17.10.225 Special Hhealth Ccare Ccivic Aactivities.

Special Health Care Civic Activities include all activities defined by Health Care Civic Activities in Subsection 17.10.220.F. (Health Care Civic Activities: Facilities which provide inpatient and/or outpatient medical and/or psychological treatment for mental illness, substance and alcohol abuse and addiction) when such services are provided primarily to persons who currently use hypodermic needles to illegally inject controlled substances and where such services may include needle exchange, drug treatment, drug counseling or such other health services frequently required by persons currently using hypodermic needles to illegally inject controlled substances. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12450, § 3, 2002)

17.10.230 Utility and Vehicular Ccivic Aactivities.

Utility and Vehicular Civic Activities include the maintenance and operation of the following installations:

- A. Communications equipment installations and exchanges, but excluding Telecommunications Activities specified in Section 17.10.140 Essential Civic Service Activities;
- B. Electrical substations;
- C. Gas substations;
- D. Neighborhood newscarrrier distribution centers;
- E. Publicly operated off-street parking lots and garages available to the general public either without charge or on a fee basis.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2321)

17.10.240 Extensive Impact Ccivic Aactivities.

Extensive Impact Civic Activities include the activities typically performed by, or the maintenance and operation of, the following institutions and installations:

- A. Airports, heliports, and helistops;
- B. Cemeteries, mausoleums, columbariums, and crematories;
- C. Colleges, junior colleges, and universities, but excluding business schools operated as profit-making enterprises;
- D. Detention and correction institutions;
- E. Docks and wharves operated by a public agency;
- F. Electric transmission lines;
- G. Garbage dumps;
- H. Golf courses and driving ranges;
- I. Major mail-processing centers;
- J. Military installations;
- K. Public and public utility corporation or truck yards;
- L. Radio and television transmission stations;
- M. Railroad and bus terminals;
- N. Railroad rights-of-way and yards and bus storage areas;
- O. Reservoirs and water tanks;
- P. Sewage disposal tanks;
- Q. Stadiums, sports arenas, auditoriums, and bandstands;
- R. Truck terminals operated by a public agency;
- S. Zoological gardens and wildlife preserves;
- T. Campgrounds;
- U. Stormwater detention ponds and facilities;
- V. Facilities supervised by or under contract with the State Department of Corrections, including alternative sentencing and community work release programs.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; Ord. 12078 § 5 (part), 1998; prior planning code § 2322)

Part 3 Commercial Activity Types ^[1]

17.10.260 General description of Commercial Aactivities.

17.10.270 General Food Sales Commercial Aactivities.

17.10.272 Full Service Restaurant Commercial Aactivities.

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- 17.10.274 Limited Service Restaurant and Cafe Commercial Activities.
- 17.10.280 Fast-Food Restaurant Commercial Activities.
- 17.10.290 Convenience Market Commercial Activities.
- 17.10.300 Alcoholic Beverage Sales Commercial Activities.
- 17.10.320 Mechanical or Electronic Games Commercial Activities.
- 17.10.330 Medical Service Commercial Activities.
- 17.10.340 General Retail Sales Commercial Activities.
- 17.10.345 Large-Scale Combined Retail and Grocery Sales Commercial Activities.
- 17.10.350 Consumer Service Commercial Activities.
- 17.10.360 Consultative and Financial Service Commercial Activities.
- 17.10.365 Check Cashier and Check Cashing Commercial Activities.
- 17.10.370 Consumer Cleaning and Repair Service Commercial Activities.
- 17.10.375 Consumer Dry Cleaning Plant Commercial Activities.
- 17.10.380 Group Asssembly Commercial Activities.
- 17.10.385 Personal Instruction and Improvement Services Commercial Activities.
- 17.10.390 Administrative Commercial Activities.
- 17.10.400 Business, Communication, and Media Service Commercial Activities.
- 17.10.410 Broadcasting and Recording Service Commercial Activities.
- 17.10.420 Research Service Commercial Activities.
- 17.10.430 General Wholesale Sales Commercial Activities.
- 17.10.440 Transient Habitation Commercial Activities.
- 17.10.450 Building Material Sales Commercial Activities.
- 17.10.460 Automobile and Other Light Vehicle Sales and Rental Commercial Activities.
- 17.10.470 Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities.
- 17.10.480 Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities.
- 17.10.485 Taxi and Light Fleet-Based Service Commercial Activities.
- 17.10.490 Automotive Fee Parking Commercial Activities.
- 17.10.500 Reserved.
- 17.10.505 Animal Boarding Commercial Activities.
- 17.10.510 Animal Care Commercial Activities.
- 17.10.520 Undertaking Service Commercial Activities.

17.10.260 General description of Commercial Aactivities.

Commercial Activities include the distribution and sale or rental of goods; the provision of services other than those classified as Civic Activities; and the administrative and research operations of private, profit-oriented firms, other than public utility firms. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.270 General Food Sales Commercial Aactivities.

General Food Sales Commercial Activities include sthe retail sales of food or beverages for off-site preparation and consumption. This classification includes 1 but is not limited to 1 the following:

- A. Supermarkets or grocery stores that offer a variety of food items for home consumption such as a combination of fresh fruits, vegetables, breads, meat, dairy products, cereals, pastas, and prepackaged foods. Generally, grocery stores are a minimum five thousand (5,000) square feet and have a minimum twenty percent (20%) of net retail floor area devoted to the display of fresh fruits and vegetables /and/ or fresh meats, whichever is greater.
- B. Stores specializing in particular or distinctive food items, including 7 but not limited to 1 retailers whose primary business maintains an inventory of specialty, gourmet, health, or ethnic food items. Examples of activities in this classification include 1 but are not limited to 1 the following:
 - Gourmet food stores;
 - Bakeries;
 - Butchers;
 - Specialty food stores;
 - Fish and poultry shops;
 - Produce markets;
 - Delicatessens (may include sandwich shops in conjunction with the sale of other delicatessen products);
 - Health food stores.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.272 Full Service Restaurant Commercial Aactivities.

Full Service Restaurant Commercial Activities include the provision of providing food or beverage services to patrons who order and are served while seated (table service), and pay

after eating. Only a minor proportion, if any, of the food is sold for consumption off-premises. These restaurants have kitchens that contain equipment suitable for cooking an assortment of foods. Also, see Sections 17.103.130 and 17.156.070 for definitions of a full-service restaurant in relation to Alcoholic Beverage Sales. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.274 Limited ~~S~~ervice ~~R~~estaurant and ~~C~~afe Commercial Activities.

Limited Service Restaurant and Cafe Commercial Activities include the provision of that ~~generally provide~~ food or beverage services to patrons that generally order and pay before eating. Food and beverages may be served in disposable containers and may be consumed on the premises or taken out. Seating for on-premises consumption is usually available and table service may or may not be provided. Examples of these activities include, but are not limited to, cafes and restaurants that do not fall under 17.10.272 Full Service Restaurant or 17.10.280 Fast-food Restaurant Commercial Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.280 Fast-~~F~~ood ~~R~~estaurant Commercial Activities.

- A. Fast-Food Restaurant Commercial Activities include the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast-Food Restaurants may also exhibit other design and operating characteristics, including: (1) a limited menu; (2) food is typically ordered and served at a service counter; (3) food is paid for prior to consumption; (4) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040.
- B. Except as may otherwise be allowed in Oakland Municipal Code (OMC) Chapters 5.49, 5.51, 8.09, and 9.52, the sale of ready-to-consume prepared foods from trucks, pushcarts or other movable equipment located on public or private property on a semi-permanent basis during hours of operation. Vehicular food vending generally has the following characteristics:
 - Food is ordered and served from a take-out counter that is integral to the catering truck;
 - Food is paid for prior to consumption;
 - Catering trucks, pushcarts or other movable equipment from which the food is sold typically have a take-out counter and space for customer queuing;
 - Food and beverages are served in disposable wrappers, plates or containers; and
 - Food and beverages are prepared and sold for off-site consumption.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.290 Convenience Market Commercial Activities.

Convenience Market Commercial Activities include the retail sale of food, beverages, and small personal convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building; but exclude delicatessens and other specialty food shops, establishments that have a sizeable amount of highly perishable items such as fresh fruits and vegetables, fresh-cut meat. In general, "late hours of operation" means businesses that stay open until or after 10:00 p.m. or at or before 7:00 a.m.; "relatively small building" means a building that is less than five thousand (5,000) square feet; and "a sizeable amount of highly perishable items" means at least twenty percent (20%) of net retail floor area devoted to fresh fruits and vegetables and/or fresh meats, whichever is greater, devoted to these products. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.300 Alcoholic Beverage Sales Commercial Activities.

Alcoholic Beverage Sales Commercial Activities include the retail sale, for on- or off-premises consumption, of liquor, beer, wine, or other alcoholic beverages, but exclude full-service restaurants and alcoholic beverage manufacturers. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.320 Mechanical or Electronic Games Commercial Activities.

Mechanical or Electronic Games Commercial Activities include the provision of pinball machines, video game devices, or other mechanical or electronic games, as defined in the Oakland Municipal Code, where the games can be played or operated by the public or by customers; but exclude the provision of such games in a pool or billiard room or bowling alley for which a permit is required pursuant to Chapter 5.02 of the Oakland Municipal Code and from which persons under eighteen (18) years of age are barred at all times by the owner or operator, or in premises which are licensed by the State Department of Alcoholic Beverage Control for on-sale consumption of alcoholic beverages and which do not lawfully allow minors. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.330 Medical Service Commercial Activities.

Medical Service Commercial Activities include the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, psychotherapists, and other practitioners, as well as the provision of medical testing and analysis services. They also include certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.340 General Retail Sales Commercial Activities.

General Retail Sales Commercial Activities include the sales of items generally for personal or household use, but excludes activities more specifically described in other classifications. This activity does not include establishment where more than five percent (5%) of net retail floor area is devoted to food products. Examples of activities in this classification include, but are not limited to, the following:

- Book and magazine, music, and video stores;
- Pharmacy that sells prescription and non-prescription drugs along with miscellaneous retail items;
- Florists;
- News stand;
- New and used clothing and shoes stores;
- Department stores;
- Electronics and appliance stores;
- Furniture and home furnishing stores;
- Gift shops;
- Hardware and paint stores;
- Hobby supply stores;
- Auto parts stores, excluding service or installation;
- Jewelry stores;
- Luggage and leather goods stores;
- Office supply and stationary stores;
- Sporting goods stores.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.345 Large-Scale Combined Retail and Grocery Sales Commercial Activities.

Large-Scale Combined Retail and Grocery Sales Commercial Activities include the retail sale from the premises of goods and merchandise, primarily for personal or household use, from stores whose total sales floor area exceeds one hundred thousand (100,000) square feet, and which devote more than ten percent (10%) of sales floor area to the sale of non-taxable merchandise, but exclude wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee. This classification excludes the sale or rental of motor vehicles, except for parts and accessories, and the sale of materials used in construction of

buildings or other structures, except for paint, fixtures, and hardware. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.350 Consumer Service Commercial Aactivities.

Consumer Service Commercial Activities include the provision of services of a personal nature, but exclude activities more specifically classified elsewhere. Examples of activities in this classification include, but are not limited to, the following:

- Barber shops;
- Beauty salons;
- Laundromats;
- Nail salons;
- Full service laundry service and dry cleaners (not including dry cleaning plants);
- Shoe shine stands;
- Tailors;
- Tanning salons;
- Tattoo parlors;
- A pharmacy that exclusively sells prescription drugs, non-prescription drugs, and other medical-related products;
- Massage services.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13042, § 4(Exh. A), 10-19-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.360 Consultative and Financial Service Commercial Aactivities.

Consultative and Financial Service Commercial Activities include the provision of financial, mortgage, insurance, retail bank branch, consumer oriented tax services, and real estate brokerage services, other than the services classified as Civic Activities or described in Sections 17.10.330 (Medical Service), 17.10.400 (Business, Communication, and Media Service), and 17.10.420 (Research Service Commercial Activities). This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.365 Check Cashier and Check Cashing Commercial Aactivities.

Check Cashier and Check Cashing Commercial Aactivities y-includes:

- A. A person or entity that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. ~~A "Check Cashier Activities" also include the business of deferred deposits whereby the check cashier refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code Section 1789.33, as amended.~~
- B. "Check Cashier" or "Check Cashing Activities" ~~do not~~ include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check Cashier" or "Check Cashing Activities" ~~also do not~~ include a retail seller engaged primarily in the business of selling consumer goods, such as consumables, to retail buyers, that cashes checks or issues money orders for a minimum flat fee, not exceeding two (2) dollars, as a service to its customers that is incidental to its main purpose or business. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.370 Consumer Cleaning and Repair Service Commercial Activities.

Consumer Cleaning and Repair Service Commercial Activities include the cleaning or repair of household appliances, furniture, and similar items; but exclude establishments that include on-site dry cleaning or repair of motor vehicles and of structures. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.375 Consumer Dry Cleaning Plant Commercial Activities.

Dry Cleaning Plant Commercial Activities include the on-site dry cleaning of personal apparel and similar items with or without consumer drop-off and pick-up. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.380 Group Assembly Commercial Activities.

Group Assembly Commercial Activities include the provision of instructional, amusement, and other services of a similar nature to group assemblages of people. This classification does not include any activity classified in Section 17.10.160 Community Assembly Civic Activities, Section 17.10.170 Recreational Assembly Civic Activities, or Section 17.10.180 Community Education Civic Activities. Examples of activities in this classification include, but are not limited to, the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with three thousand (3,000) ~~two thousand (2,000)~~ square feet or more of classroom or instructional space;
- Drive-in theaters;
- Theaters or venues with three thousand (3,000) square feet or more of performance, lobby space, and audience floor area;
- Temporary carnivals, fairs, and circuses;

- Cabarets, night clubs, dance halls, adult entertainment, and pool halls;
- Banquet halls;
- Fitness clubs with three thousand (3,000) ~~two thousand (2,000)~~ square feet or more of floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.385 Personal Instruction and Improvement ~~S~~ervices ~~C~~ommercial Activities.

Personal Instruction and Improvement Services Commercial Activities include the provision of informational, instructional, personal improvement and other services of a similar nature. This classification does not include any activity classified as Section 17.10.180 Community Education Civic Activities or Section 17.10.380 Group Assembly Commercial Activities. Examples of activities in this classification include, but are not limited to, the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with less than three thousand (3,000) ~~two thousand (2,000)~~ square feet of classroom or instructional space;
- Fitness clubs with less than three thousand (3,000) ~~two thousand (2,000)~~ square feet of floor area;
- Theaters or venues with less than three thousand (3,000) square feet of performance, lobby space, and audience floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.390 Administrative ~~C~~ommercial Activities.

Administrative Commercial Activities include the professional, executive, management, administrative, and clerical activities of private firms, other than public utility firms. This classification includes, but is not limited to, administrative corporate headquarter offices, business offices, and the offices of investment firms. Examples of activities in this classification include, but are not limited to, the following:

- Cultural and advocacy offices;
- Law firms;
- Accounting;
- Advertising;
- Architectural and engineering consulting firms;

- Management consulting firms;
- Computer consulting;
- Software design;
- Data management and billing services offices;
- Administrative offices of non-profit organizations.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.400 Business, Communication, and Media Service Commercial Aactivities.

Business, Communication, and Media Service Commercial Activities include the provision of services of a clerical, goods brokerage, communication, or minor processing nature such as digital and print production, photocopying, audio and video editing, and mailing services. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.410 Broadcasting and Recording Service Commercial Aactivities.

Broadcasting and Recording Service Commercial Activities include the recording or broadcasting of music or video performed in studios. This category does not include transmission towers. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.420 Research Service Commercial Aactivities.

Research Service Commercial Activities include research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm, other than a public utility firm. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.430 General Wholesale Sales Commercial Aactivities.

General Wholesale Sales Commercial Activities include the storage and sale, from the premises, of bulk goods, as well as the storage of such goods on the premises and their transfer therefrom to other firms or individuals; but exclude sale or storage of motor vehicles, except for parts and accessories, and sale or storage of materials used in construction of buildings or other structures. This classification does not include hardware or paint stores. This classification also excludes activities under Section 17.10.345 (Large-Scale Combined Retail and Grocery Sales Commercial Activity). This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.440 Transient Habitation Commercial Aactivities.

Transient Habitation Commercial Activities include the provision of lodging services to transient guests on a less-than-weekly basis, other than in the case of activities classified by Section 17.10.120 Semi-Transient Residential Activities or Section 17.10.125 Bed and Breakfast Residential Activities. Examples include hotels and motels. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.450 Building Material Sales Commercial Aactivities.

Building Materials Sales Commercial Activities and Service include the sale of bulk building and landscaping supplies. This classification includes, but is not limited to, sales of heating, air conditioning, electrical and plumbing equipment, soil, soil amendments, lumber, gravel, or other similar building materials. Landscaping and building materials are commonly stored outside. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.460 Automobile and Other Light Vehicle Sales and Rental Commercial Aactivities.

Automobile and Other Light Vehicle Sales and Rental Commercial Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of small passenger vehicles and light trucks that have a gross vehicle weight rating of less than fourteen thousand (14,000) pounds such as cars, sports utility vehicles, motorcycles, pickup trucks, vans, light tow trucks, light trucks, boats and RVs. This classification also includes the retail or wholesale sale or rental, from the premises, of any type of goods where orders are placed predominantly by telephone or mail order with delivery being provided by motor vehicle. Delivery activities that include use of more than two (2) on-site tow trucks are excluded from this classification. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.470 Automobile and Other Light Vehicle Gas Station and Servicing Commercial Aactivities.

Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities include the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles that have a gross vehicle weight less than fourteen thousand (14,000) pounds and the fulfilling of motorist needs, including sale of petroleum products together with sale and servicing of tires, batteries, automotive accessories, and replacement items, lubricating services, and performance of minor repairs. This classification does not include vehicle dismantling or salvage and tire re-treading or

recapping. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.480 Automobile and Other Light Vehicle Repair and Cleaning Commercial Aactivities.

Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities include the major repair or painting of motor vehicles that have a gross vehicle weight rating of less than fourteen thousand (14,000) pounds, including body work and installation of major accessories, as well as the washing and polishing of motor vehicles. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.485 Taxi and Light Fleet-Based Service Commercial Aactivities.

Taxi and Light Fleet-Based Service Commercial Activities include pPassenger transportation services, local delivery services, and other businesses that rely on fleets of three (3) or more vehicles with a gross vehicle weight rating of less than fourteen thousand (14,000) pounds. This classification includes parking, dispatching, and offices for taxicab and limousine operations, airport shuttles, medical transport, local messenger and document delivery services, janitorial services, and similar businesses. This classification only includes towing operations when vehicles are taken to off-site locations and the tow trucks do not exceed the above gross vehicle weight rating. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.490 Automotive Fee Parking Commercial Aactivities.

Automotive Fee Parking Commercial Activities include the parking and storage of motor vehicles on a fee basis, other than the operation of parking facilities by a Civic Activity. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.505 Animal Boarding Commercial Aactivities.

Animal Boarding Commercial Activities include any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of dogs, cats, pets, or other domestic animals for profit, but exclusive of animals used for agricultural purposes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.510 Animal Care Commercial Aactivities.

Animal Care Commercial Activities include the provision of animal care and treatment wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

17.10.520 Undertaking Service Commercial Aactivities.

Undertaking Service Commercial Activities include the provision of undertaking and funeral services involving the care and preparation of the human dead prior to burial. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

Part 4 Industrial Activity Types

17.10.540 General description of Industrial Aactivities.

17.10.550 Custom Manufacturing Industrial Aactivities.

17.10.560 Light Manufacturing Industrial Aactivities.

17.10.570 General Manufacturing Industrial Aactivities.

17.10.580 Heavy/High Impact Manufacturing Industrial Aactivities.

17.10.581 Research and Development Industrial Aactivities.

17.10.582 Construction Operations Industrial Aactivities.

17.10.583 Warehousing, Storage, and Distribution Industrial Aactivities.

17.10.584 Regional Freight Transportation Industrial Aactivities.

17.10.585 Trucking and Truck-Related Industrial Aactivities.

17.10.586 Recycling and Waste-Related Industrial Aactivities.

17.10.587 Hazardous Materials Production, Storage, and Waste Management Industrial Aactivities.

17.10.540 General description of Industrial Aactivities.

Industrial Activities include the on-site production of goods by methods other than agricultural and extractive in nature the provisions of warehousing and storage, freight handling, shipping, and trucking services; and the storage, transportation, and processing of recyclable or waste materials, and hazardous materials. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008; prior planning code § 2400)

17.10.550 Custom Manufacturing Industrial Aactivities.

Custom Manufacturing Industrial Activities include the small-scale production of artisan and/or custom products. This activity typically includes the production of finished parts or products by hand, involving the use of hand tools and small-scale equipment within enclosed buildings. Custom Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes, but is not limited to, the production of:

- A. Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with ten thousand (10,000) square feet or less of floor area (See Section 17.10.040 for allowed sales activities accessory to the production of alcoholic beverages and Section 17.103.030 for definition of an alcoholic beverage manufacturer);
- B. Cameras and photographic equipment;
- C. Custom sign-making;
- D. Custom clothing;
- E. Custom furniture building and refinishing;
- F. Professional, scientific, measuring, and controlling instruments;
- G. Musical instruments;
- H. Medical, dental, optical and orthopedic instruments and appliances, and similar items;
- I. Handicraft, art objects, and jewelry.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

17.10.560 Light Manufacturing Industrial Aactivities.

Light Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging, or treatment of components or products, primarily from previously prepared materials, and typically within enclosed buildings. Light Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes, but is not limited to, the production or assembly of:

- A. Production apparel manufacturing;
- B. Computer and electronic products;
- C. Pharmaceutical production;
- D. Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with more than ten thousand (10,000) square feet of floor area (See Section 17.10.040 for allowed sales activities accessory

to the production of alcoholic beverages and Section 17.103.030 for definition of an alcoholic beverage manufacturer);

- E. Electrical equipment, appliances, and components;
- F. Furniture and related products;
- G. Pharmaceutical production;
- H. Sporting and athletic goods.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

17.10.570 General Manufacturing Industrial Aactivities.

General Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging or treatment of products from extracted, raw, recycled or secondary materials; they may have some or all activities conducted outdoors. This classification excludes all activities under Intermediate Recycling Processing Facilities. The Zoning Administrator or his/her designee may place an activity that otherwise fits this description, but does not produce noise, vibration, air pollution, fire hazard, or noxious emission that will violate standard in Chapter 17.120, or another federal, State or local standards into the Light Manufacturing Industrial Activities classification. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include, but are not limited to, the following:

- A. Chemical manufacturing (except for the chemical products listed under Heavy/High/Impact Manufacturing);
- B. Glass manufacturing;
- C. Metal foundries;
- D. Wood product manufacturing;
- E. Heavy equipment and manufacturing;
- F. Paper finishing;
- G. Pipe production facilities;
- H. Textile mills;
- I. Tire retreading and recapping;
- J. Wood product manufacturing.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

17.10.580 Heavy/High Impact Manufacturing Industrial Aactivities.

Heavy/High Impact Manufacturing Industrial Activities include high impact or hazardous manufacturing processes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include, but are not limited to, the following:

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- A. Any manufacturing use with large-scale facilities for outdoor oil and gas storage;
- B. Any biotechnology research, development or production activities involving materials defined by the National Institute of Health as Risk Group 4 or Restricted Agents (commonly known as "biosafety level 4");
- C. Battery manufacturing and storage;
- D. Lime and gypsum products manufacturing;
- E. Non-ferrous metals production, processing, smelting and refining;
- F. Painting, coating and adhesive manufacturing;
- G. Synthetic dye and pigment manufacturing;
- H. Urethane and other open-cell foam product manufacturing;
- I. Petroleum and coal products manufacturing and refining;
- J. Primary metal smelting;
- K. Vinegar, yeast and other pungent, odor-causing items production;
- L. Leather tanning;
- M. Cement and asphalt manufacturing;
- N. Explosives manufacturing;
- O. Fertilizer and other agricultural chemical manufacturing.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

17.10.581 Research and Development Industrial Activities.

Research and Development Industrial Activities include scientific research for the design, development, engineering, and testing of high technology electronic, industrial or scientific products in advance of full-scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

This classification excludes manufacturing uses, wholesale and storage uses, repair and retail sales, except as an accessory use as specified in Section 17.10.040; this classification also excludes the on-site production of products for sale, and biotechnology laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (Section 17.10.580 Heavy/High Impact Manufacturing Activities).

This classification includes, but is not limited to, biotechnology firms, "clean-tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008)

17.10.582 Construction Operations Industrial Activities.

Construction Operations Industrial Activities include enclosed and unenclosed facilities and accessory yards for construction and incidental storage activities and/or fabrication activities performed by construction contractors on lots other than construction sites. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes, but is not limited to, the storage and custom cutting of stone for interior applications, roofing and plumbing component storage, and equipment storage for environmental contractors.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008)

17.10.583 Warehousing, Storage, and Distribution Industrial Activities.

Warehousing, Storage, and Distribution Industrial Activities This classification include s-five (5) sub-classifications as described below. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040:

- A. General Warehousing, Storage, and Distribution. General Warehousing, Storage, and Distribution Activities include tThe warehousing and storage, primarily within enclosed buildings, of commercial goods (other than primary storage of hazardous materials), and the associated distribution activities that occur on-site prior to delivery of goods to wholesale and retail outlets or direct shipment to customers. These activities may also include ancillary truck parking and dispatching; and accessory outdoor storage areas where outdoor storage, not including parking and loading areas, does not occupy more than thirty percent (30%) of the total site area. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~
- B. General Outdoor Storage. General Outdoor Storage Activities include s-principal outdoor storage of items for more than 24 hours where such storage activities occupy more than thirty percent (30%) of the site area. The principal storage of goods and materials, equipment or vehicles; as well as the storage of operating equipment for warehouses, such as forklifts, pallets, and racks. This classification excludes outdoor storage uses that are more specifically described in this Chapter, including; but not limited to, container storage, salvage and junk yards and oil and gas storage. This classification includes, but is not limited to, construction trailers, outdoor sheds or accessory portable structures, secondary sites for storage of building materials that are not for resale on-site.
- C. Self- or Mini-Storage. Self- or Mmini-Sstorage Activities consist of storage in small individual spaces, on average of four hundred (400) square feet or less that are exclusively and directly accessible to a specific tenant, offered on a monthly or other limited basis, and available to the general public.
- D. Container Storage. Container Storage Activities includes the storage, repair, and "pre-tripping" of shipping containers, including refrigerated shipping containers, on open lots. Includes minor repair and cleaning of containers, and may include the rehabilitation of containers for other uses.
- E. Automotive Salvage/Junk Yards. Automotive Salvage/Junk Yard Activities include the sStorage and dismantling of vehicles and equipment for sale of parts.

17.10.584 Regional ~~F~~reight ~~T~~ransportation ~~I~~ndustrial ~~A~~activities.

Regional Freight Transportation Industrial Activities include the provision of freight handling and shipping services by water and rail. They include the inter- and intra-regional transportation of goods. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

A. Seaport. The accommodation of freight service and operations by ship. This classification includes piers, wharves and docks, marine terminals, container and break-bulk storage areas (where container storage is an accessory, rather than principal activity), related inter-modal facilities, and support services such as port and harbor operations and navigational services.

B. Rail yard. Accommodation of freight service and operations by rail.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008)

17.10.585 Trucking and ~~T~~ruck-~~R~~elated ~~I~~ndustrial ~~A~~activities.

Trucking and Truck-Related Industrial Activities include the provision of freight handling and shipping services by trucks as well as parking, maintenance, and services for trucks and other heavy vehicles and equipment. Each classification involves the use of trucks and other heavy vehicles that have a gross vehicle weight rating greater than or equal to fourteen thousand (14,000) pounds. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.586 Recycling and ~~W~~aste-~~R~~elated ~~I~~ndustrial ~~A~~activities.

Recycling and Waste-Related Industrial Activities include recycling collection, intermediate processing, and other activities related to the storage and processing of used and waste materials. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

A. Satellite Recycling Collection Centers. An activity accepting recyclable non-hazardous materials directly from the public by donation, redemption, or purchase at facilities less than five hundred (500) square feet in area that generally do not use power-driven processing equipment.

Satellite collection centers may include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of recyclable materials. These facilities are generally located in, or associated with supermarkets and shopping centers. Most, though not all, satellite collection centers are set up pursuant to requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986, which requires establishment of such centers in all "Convenience Zones" (CZ) in California, defined as the area within one-half (1/2) mile of all supermarkets, to collect beverage containers made from materials such as aluminum, glass, plastic, and bimetal for recycling.

B. Primary Recycling Collection Centers. An activity accepting recyclable non-hazardous materials by donation, redemption, or purchase at facilities occupying an area of more than five hundred (500) square feet that are not operated incidental to a host use and that may have a permanent building. Primary collection centers typically use power-driven equipment to sort and condense material for shipment to an intermediate

processor or other user. Primary Recycling Collection Centers may have a combination of outdoor processing and storage.

17.10.587 Hazardous Materials Production, Storage, and Waste Management Industrial Aactivities.

Hazardous Materials Production, Storage, and Waste Management Industrial Activities include four (4) sub-classifications as described below. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040:

- A. Small Scale Transfer and Storage Hazardous Waste Management Activities. Small Scale Transfer and Storage Hazardous Waste Management Activities include treatment facilities with waste streams small enough to be exempt from manifest requirements as described in California Health and Safety Code, Division 20, Chapter 6.5, Article 6. Wastes from any given generator must not exceed a total volume of five (5) gallons or a total weight of fifty (50) pounds. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~
- B. Industrial Transfer/Storage Hazardous Waste Management Activities. Industrial Transfer/Storage Hazardous Waste Management Activities include any treatment facility which is not a Small Scale Transfer and Storage Facility or Residual Repository. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~
- C. Residuals Repositories Hazardous Waste Management Activities. Residuals Repositories Hazardous Waste Management Activities include treatment facilities for collection of residual wastes de-fined as residues from other treatment facilities after treatment, and other irreducible stabilized or detoxified hazardous wastes. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~
- D. Oil and Gas Storage. Oil and Gas Storage Activities includes tank farms and outdoor facilities for the bulk storage and handling of fuel and lubricating oils, gasoline and natural gas. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~

Part 5 Agricultural and Extractive Activity Types

17.10.590 General description of Agricultural and Extractive Aactivities.

17.10.600 Plant Nursery Agricultural Aactivities.

17.10.610 Limited Agricultural Aactivities.

17.10.615 Extensive Agricultural Aactivities.

17.10.620 Mining and Quarrying Extractive Aactivities.

17.10.590 General description of Agricultural and Extractive Aactivities.

Agricultural and Extractive Activities include the on-site production of plant and animal products by agricultural methods, and of mineral products by extractive methods. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2450)

17.10.600 Plant Nursery Agricultural Aactivities.

Plant Nursery Agricultural Activities include the cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-18-2009; Prior planning code § 2460)

17.10.610 Limited Agricultural Aactivities.

Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities.

17.10.615 Extensive Agricultural Aactivities.

Extensive Agricultural Activities include the keeping, grazing, or feeding of animals by agricultural methods, including bee keeping activities involving more than three (3) hives, intended to provide animals or animal products for on- or off-site sale; and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to, the use of any heavy mechanized farming equipment. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include any activity classified in Section 17.10.505 Animal Boarding Commercial Activities or Section 17.10.510 Animal Care Commercial Activities.

17.10.620 Mining and Quarrying Extractive Aactivities.

Mining and Quarrying Extractive Activities include the extraction of metallic and nonmetallic minerals, including sand and gravel pit operations. They include surface mining operations as defined by Section 2735 of the Public Resources Code of the state of California. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

Article III Facility Types

Part 1 Residential Facility Types

17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.

17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.

One-Family Dwelling with Secondary Unit Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities, which contains one primary dwelling unit and one Secondary Unit. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

(Ord. 12199 § 3 (part), 2000; prior planning code § 2560.1)

Part 2 Nonresidential Facility Types

17.10.750 Sidewalk Cafe Nonresidential Facilities.

17.10.770 Drive-Through Nonresidential Facilities.

17.10.750 Sidewalk Cafe Nonresidential Facilities.

~~A-Sidewalk Cafe Nonresidential Facilities y is include dining areas which encroach within the sidewalk or plaza area of the public right-of-way and are intended to accommodate either a General Food Sales Commercial, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, or Alcoholic Beverage Sales Commercial Activity located on private property. with a dining area which encroaches within the sidewalk area of the public right-of-way. Such dining areas shall be defined by design elements which separate the establishment from the remainder of the sidewalk or plaza.~~

17.10.770 Drive-Through Nonresidential Facilities.

~~A-Drive-Through Nonresidential Facilities y is a include vehicular access systems designed to enable persons to receive a service or purchase goods by driving through the property and conducting the transaction while remaining within the vehicle. The systems generally consists of a vehicular stacking/queuing lane(s) and one or more service locations/windows. Drive-Through Nonresidential Facilities are intended to accommodate Civic, Commercial, Industrial, or Agriculture or Extractive Activities. They also include certain other facilities accessory to the above as specified in Section 17.10.070.~~

Part 4 Telecommunications Facility Types

17.10.870 Micro Telecommunications Facilities.

17.10.880 Mini Telecommunications Facilities.

17.10.890 Macro Telecommunications Facilities.

17.10.900 Monopole Telecommunications Facilities.

17.10.910 Tower Telecommunications Facilities.

17.10.870 Micro Telecommunications Facilities.

A Micro Telecommunications Facility is an attached wireless communication facility consisting of no more than three (3) antennas whose height is no more than four (4) feet and whose width is no more than one (1) foot and the antennas are concealed from view. If the antennas are visible, they may be no more than two (2) feet tall and the width and depth of the antennas may be no more than four (4) inches. The associated equipment cabinets are not to exceed four (4) feet high by three (3) feet wide by two (2) feet deep if they are visible. If the equipment cabinets are concealed in an existing building, there is no limit on size of equipment.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12768 § 3 (part), 2006; Ord. 11904 § 5.06 (part), 1996; prior planning code § 2710)

17.10.880 Mini Telecommunications Facilities.

A Mini Telecommunications Facility is an attached wireless communication facility consisting of no more than twelve (12) antennas projecting no more than fifteen (15) feet above the roof line. The associated equipment cabinets are either concealed in an existing building, or no more than six (6) feet in height and occupy an area of no more than thirty (30) square feet. Construction of a separate structure to enclose the equipment serving the antennas is not allowed under the Mini Telecommunications Facility definition.

17.10.890 Macro Telecommunications Facilities.

A Macro Telecommunications Facility is a wireless communication facility not included in the definition of Micro Telecommunications Facilities, Mini Telecommunications Facilities, Monopole Telecommunications, ~~s~~ or Lattice-Towers Telecommunications Facilities.

(Ord. 11904 § 5.06 (part), 1996; prior planning code § 2712)

17.10.900 Monopole Telecommunications Facilities.

A Monopole Telecommunications Facility is a wireless communication facility that supports wireless communications antennas with a monopolar structure erected on the ground, terminating in one or more connecting appurtenances.

(Ord. 11904 § 5.06 (part), 1996; prior planning code § 2713)

17.10.910 Tower Telecommunications Facilities.

A Tower Telecommunications Facility is a self-supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

Chapter 17.11 OS OPEN SPACE ZONING REGULATIONS

Sections:

17.11.010 Title, purpose, and applicability.

17.11.030 Activities and facilities deemed approved or legal nonconforming.

17.11.050 Conditionally permitted activities.

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

17.11.080 Conditionally permitted facilities.

17.11.090 Special provisions for permitted and conditionally permitted facilities, and facilities allowed by variance in the OS Zzone.

17.11.100 Amendment of Sections 17.11.060 and 17.11.090.

17.11.130 Maximum height.

17.11.150 Maximum impervious surface.

17.11.170 Other zoning provisions.

17.11.010 Title, purpose, and applicability.

The provisions of this Cchapter shall be known as the OS Oopen Space Zzone Regulations. The OS Zzone is intended to create, preserve, and enhance land for permanent open space to meet the active and passive recreational needs of Oakland residents and to promote park uses which are compatible with surrounding land uses and the city's natural environment. The zone is typically appropriate in areas of public open space only. The following regulations shall apply in the OS Zzone.

(Ord. 12078 § 3 (part), 1998)

17.11.030 Activities and facilities deemed approved or legal nonconforming.

All activities and facilities that are existing or have been legally approved on the effective date of the ordinance codified in this Cchapter shall be deemed approved, provided that they appear in the list of conditionally permitted uses in Sections 17.11.050, 17.11.060 and 17.11.090. These activities and facilities shall not be subject to the provisions of Chapter 17.114 on nonconforming uses. Those existing activities and facilities that are not listed as conditionally permitted uses in Sections 17.11.050, 17.11.060 and 17.11.090 shall be deemed legal nonconforming uses and shall be subject to the provisions of Chapter 17.114.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12078 § 3 (part), 1998)

17.11.050 Conditionally permitted activities.

The following activities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in 17.11.060, may be permitted upon the granting of a conditional use permit pursuant to the

conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS Zzone at Chapter 17.135, subject to the special definitions for projects in the Oopen Sspace Zzone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

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

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

17.11.080 Conditionally permitted facilities.

The following facilities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in Section 17.11.090, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS Zzone at Chapter 17.135, subject to the special definitions for projects in the Oopen Sspace Zzone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

A. Residential Facilities:

One-Family Dwelling

B. Nonresidential Facilities:

Enclosed

Open

C. Telecommunications Facilities:

Mini Telecommunications

Micro Telecommunications

Macro Telecommunications

Monopole Telecommunications

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12350 § 3 (part), 2001; Ord. 12078 § 3 (part), 1998)

17.11.090 Special provisions for permitted and conditionally permitted facilities, and facilities allowed by variance in the OS Zzone.

- A. Business and Advertising Signs. Business and Advertising Signs are allowed only when a City agency enters into an agreement with a private enterprise to enhance public park facilities and/or programs, and the private enterprise is a principal provider of cash and/or in-kind contribution toward the enhancements. Such Ssigns will refer either to the name of

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the donor company and/or products for sale on site. The size and content of such Signs is further limited to the following:

1. No signage may advertise alcohol, tobacco, drugs, pharmaceuticals or firearms.
2. Signage may only advertise products sold on-site or show the name of a private enterprise acting as a principal provider as a part of an agreement with a City agency.
3. Signs shall generally be consistent with the limitations established for Business and Advertising Signs in Chapter 17.104, but some departure from these requirements may be considered on a case-by-case basis.

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

USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
<p><i>Legend:</i></p> <p>◆ = Requires Major Conditional Use Permit</p> <p>* = Requires Minor Conditional Use Permit</p> <p><i>RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)</i></p>									
FACILITY TYPES									
ONE-FAMILY RESIDENCE									
Caretaker's Quarters	*	*	*			*	*		*
TELECOMMUNICATIONS FACILITIES									
Mini <u>Telecommunications</u>	◆	◆	◆	◆	◆	◆	◆	◆	◆
Micro <u>Telecommunications</u>	◆	◆	◆	◆	◆	◆	◆	◆	◆
Macro <u>Telecommunications</u>	*	*	*	*	*	*	*	*	*
Monopole <u>Telecommunications</u>	*	*	*	*	*	*	*	*	*
Lattice-Tower <u>Telecommunications</u>									
SIGNS									
Residential	◆	◆	◆	◆	◆	◆	◆	◆	◆
Special	◆	◆	◆	◆	◆	◆	◆	◆	◆
Civic	◆	◆	◆	◆	◆	◆	◆	◆	◆
Business*	◆	◆	◆	◆	◆	◆	◆		◆

Advertising*

* Limited to the circumstances outlined in 17.11.090A.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12350 § 3 (part), 2001; Ord. 12078 § 3 (part), 1998)

17.11.100 Amendment of Sections 17.11.060 and 17.11.090.

Pursuant to Section 17.10.090, any activity or facility which is not expressly classified in Sections 17.11.060 and 17.11.090 shall be included in that category which most closely portrays it. In the event a use cannot be classified into an existing category, Sections 17.11.060 and 17.11.090 may be modified to establish a classification for said use, subject to the right of appeal from such determination pursuant to the administrative appeal procedure at Chapter 17.132. Any other changes to the text of the OS Zzone shall be subject to the rezoning and law change procedure at Chapter 17.144.

(Ord. 12078 § 3 (part), 1998)

17.11.130 Maximum height.

- A. General. Except as otherwise provided in Sections 17.108.020 and 17.108.030, the maximum height of buildings and other facilities shall be thirty-five (35) feet in parks classified as RCA, NP, AMP, PMP, or LP, and forty-five (45) feet in parks classified as RSP, CP, or AF. No general maximum height limit is prescribed for Special Use Parks.
- B. Height Restrictions Along More Restrictive Zone Boundary. Where the OS Zzone abuts a zone with a more restrictive height limit, the maximum height of buildings and other facilities shall not exceed the maximum height of the abutting zone unless each portion above that height is set back from the minimum yard required by Section 17.11.140 a minimum horizontal distance equal to two (2) feet for each one (1) foot by which it extends above such maximum height. This requirement shall apply at the property line in the event that no minimum yard is required in the abutting district.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12078 § 3 (part), 1998)

17.11.150 Maximum impervious surface.

The following table sets forth the maximum permitted impervious surface standards, as defined in Section 17.09.050. Exceedances of the Impervious Surface limits shall require a Minor Variance, as specified in Section 17.148.020(B).

Park Acreage	Maximum % Impervious Surface
Plazas and Active Mini-Parks	No limit
Passive Mini-Parks	10%
Resource	One percent (1%) of total park area or <u>two thousand five hundred (2,500)</u> square

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Conservation Areas	feet, whichever is smaller, excluding parking areas which meet requirements in Section 17.116.260 for "durable, dustless, all-weather surface parking"
All other park classes	
Less than 1.0 acre	35%
1.0—5.0 acres	25%
5.0—10.0 acres	15%
Greater than 10.0 acres	10%

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12078 § 3 (part), 1998)

17.11.170 Other zoning provisions.

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements at Chapter 17.116, except that reduced parking requirements may be allowed by the Director of City Planning through the conditional use permit procedure required by Sections 17.11.050, 17.11.060 and 17.11.090 for activities and facilities in either of the following instances:

1. The project's primary service area is one-quarter mile or less; or,
2. A portion of the project's parking demand is to be met through reciprocal agreements for shared parking on the same site or an adjacent site or sites.

In both cases, the extent of the reduction shall be determined by the Director of City Planning pursuant to Section 17.116.040.

B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.

C. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations at Chapter 17.114.

D. **General Provisions.** Unless otherwise indicated, the general exceptions and other regulations set forth in Chapter 17.102 shall apply in the OS Zzone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12884 § 2 (part), 2008; Ord. 12078 § 3 (part), 1998)

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

Sections:

- 17.13.010 Title, intent, and description.
- 17.13.030 Permitted and conditionally permitted activities.
- 17.13.040 Permitted and conditionally permitted facilities.
- 17.13.050 Property development standards.
- 17.13.060 Special regulations for Planned Units Developments.
- 17.13.070 Other zoning provisions.

17.13.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the RH Hillside Residential (RH) Regulations. The intent of the Hillside Residential (RH) Zones regulations is to create, maintain, and enhance residential areas that are primarily characterized by detached, single unit structures on hillside lots.
- B. Description of Zones. This Chapter establishes land use regulations for the following four (4) zones:
 - 1. **RH-1 Hillside Residential - 1 Zone.** ~~—1.~~ The intent of the RH-1 Zzone is to create, maintain, and enhance areas for single-family living on lots of one acre or more, and is appropriate in portions of the Oakland Hills.
 - 2. **RH-2 Hillside Residential - 2 Zone.** ~~—2.~~ The intent of the RH-2 Zone is to create, maintain, and enhance areas for single-family living on lots of at least twenty-five thousand (25,000) square feet, and is appropriate in portions of the Oakland Hills.
 - 3. **RH-3 Hillside Residential - 3 Zone.** ~~—3.~~ The intent of the RH-3 Zone is to create, maintain, and enhance areas for single-family dwellings on lots of at least twelve thousand (12,000) square feet and is appropriate in portions of the Oakland Hills.
 - 4. **RH-4 Hillside Residential - 4 Zone.** ~~—4.~~ The intent of the RH-4 Zone is to create, maintain, and enhance areas for single-family dwellings on lots of six thousand five hundred (6,500) to eight thousand (8,000) square feet and is typically appropriate in already developed areas of the Oakland Hills.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.13.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.13.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Activities					
Permanent	P	P	P	P	
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Supportive Housing	P(L1) —	P(L1) —	P(L1) —	P(L1) —	
Transitional Housing	P(L1) —	P(L1) —	P(L1) —	P(L1) —	
Emergency Shelter	—	—	—	—	
Semi-Transient	—	—	—	—	
Bed and Breakfast	—	—	—	—	
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	
Community Assembly	C	C	C	C	
Recreational Assembly	C	C	C	C	
Community Education	C	C	C	C	
Nonassembly Cultural	C	C	C	C	
Administrative	C	C	C	C	
Health Care	—	—	—	—	
Special Health Care	—	—	—	—	
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities (all)	—	—	—	—	
Industrial Activities (all)	—	—	—	—	
Agriculture and Extractive Activities					
Limited Agriculture	P(L2)	P(L2)	P(L2)	P(L2)	
Extensive Agriculture	C(L3)	C(L3)	C(L3)	C(L3)	
Plant Nursery	C	C	C	C	
Mining and Quarrying	—	—	—	—	

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Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	17.102.110

Limitations on Table 17.13.01:

L1. Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~**L1.** Residential Care is only permitted in a One-Family Dwelling Residential Facility. No State-licensed residential care facility shall be located closer than three hundred (300) feet from any other State-licensed residential care facility or Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding these activities.~~

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.13.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.13.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Facilities					
One-Family Dwelling	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	17.103.080

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Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Two-Family Dwelling	—	—	—	—	
Multifamily Dwelling	—	—	—	—	
Rooming House	—	—	—	—	
Mobile Home	—	—	—	—	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Cafe	—	—	—	—	
Drive-In Nonresidential	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C(L1)	C(L1)	C(L1)	C(L1)	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	—	—	—	—	17.104
Advertising Signs	—	—	—	—	17.104

Limitations on Table 17.13.01:

L1. Monopole Telecommunications Facilities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, the proposal must meet the following use permit criterion:

1. There is no existing structure that can accommodate the proposed antenna.

To meet this criterion, the applicant must provide a site alternative plan that demonstrates that there is no existing structure that can accommodate the antenna.

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(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.13.050 Property development standards.

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

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Lot Dimensions					
Lot Width mean	100 ft.	100 ft.	90 ft.	45 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	43,560 sf.	25,000 sf.	12,000 sf.	6,500 sf. or 8,000 sf	1, 2, 3
Maximum Density	1 primary dwelling unit per lot				4
Minimum Setbacks					
Minimum front (≤20% street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	5, 6
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	5, 6, 7
Minimum interior side ≤20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	8, 9
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	8, 9
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	5, 10
Rear	35 ft.	35 ft.	25 ft.	20 ft.	7, 10, 11
Maximum Lot Coverage and Floor Area Ratio (FAR)	See Table 17.13.04				
Height Regulations for All Lots with a Footprint Slope of ≤20%					
Maximum wall height primary building	25 ft.	25 ft.	25 ft.	25 ft.	13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	13, 14

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Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	13, 14
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%				
Maximum Wall Length Before Articulation Required	40 ft.	40 ft.	40 ft.	40 ft.	15
Minimum Parking					
Minimum parking spaces required per <u>Primary Unit</u>	2	2	2	2	16
Additional parking spaces required for <u>Secondary Unit</u>	1	1	1	1	16, 17

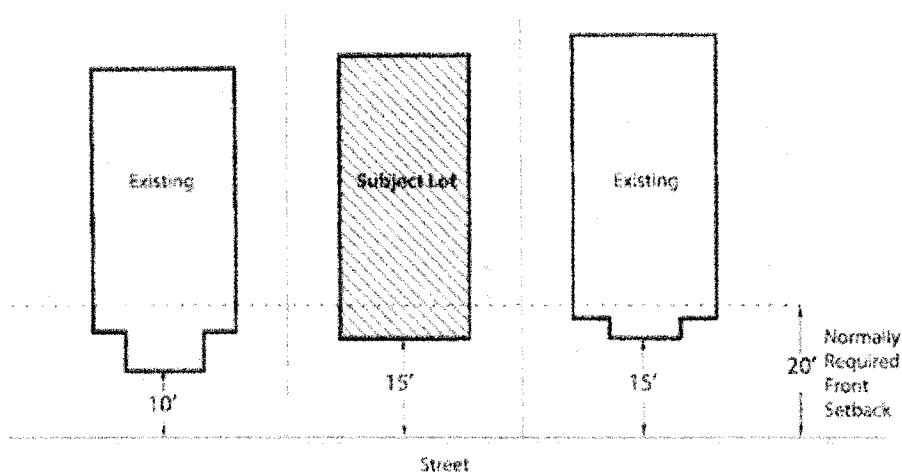
Additional Regulations for Table 17.13.03:

4. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
5. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:
 - a. Roadway construction or widening;
 - b. Sidewalk construction or widening; and
 - c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

6. In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principle may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03, [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

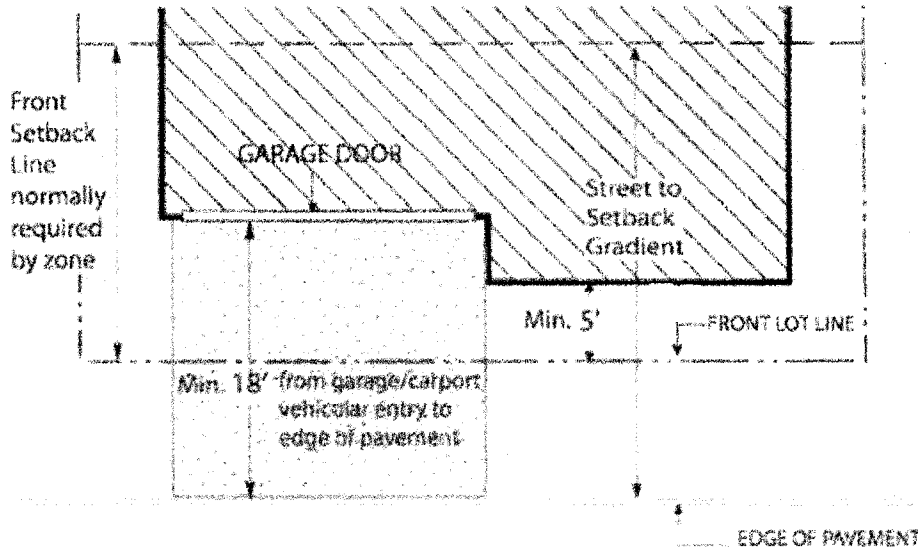
Illustration for Table 17.13.03 [Additional Regulation 65]
*for illustration purposes only



7. The minimum front setback depth required by the applicable individual zone shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.13.03, [Additional Regulation 6], below). See Section 17.108.130 for allowed projections into setbacks.

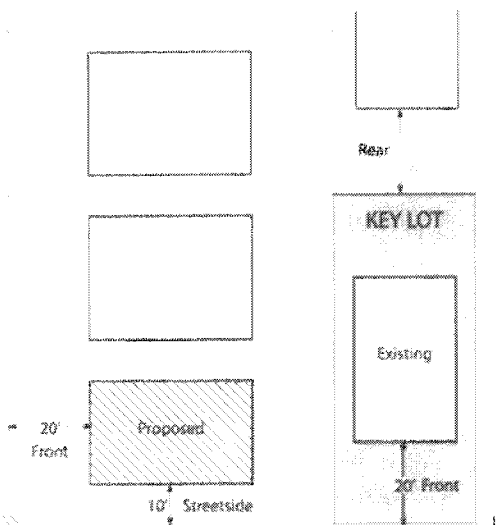
Illustration for Table 17.13.03 [Additional Regulation 76]
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10. In all Residential Zzones, on every corner lot which abuts to the rear a key lot which is in a Residential Zzone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.13.03. [Additional Regulation 109], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03 [Additional Regulation 109]
*for illustration purposes only



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

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

C. **Height.** Table 17.13.05 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.13.05 Height Regulations for all Lots with a Footprint Slope of >20%

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	>20% and ≤40%	>40% and ≤60%	>60%	>20%	
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height Primary Building	36 ft.	38 ft.	40 ft.	35 ft.	1, 2
Maximum Height Above Edge of Pavement	18 ft.	18 ft.	18 ft.	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft.	1, 3

Additional Regulations for Table 17.13.05:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:

a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and

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- b.** Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
- c.** Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs.

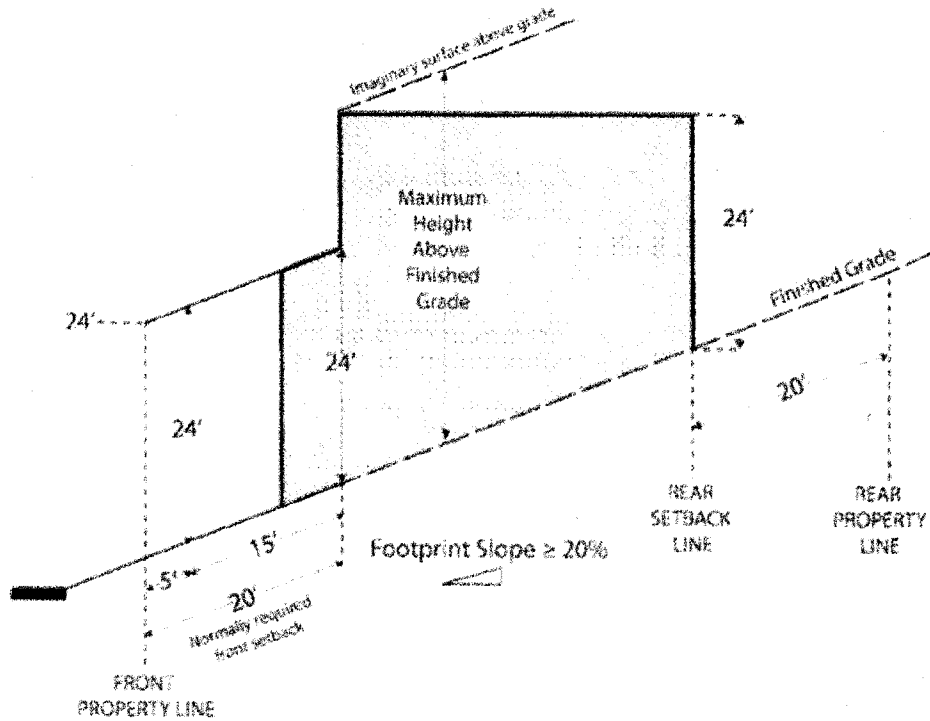
See Illustration for Table 17.13.05 [Additional Regulation 2], below.

- 3.** The building height is measured from finished or existing grade, whichever is lower.

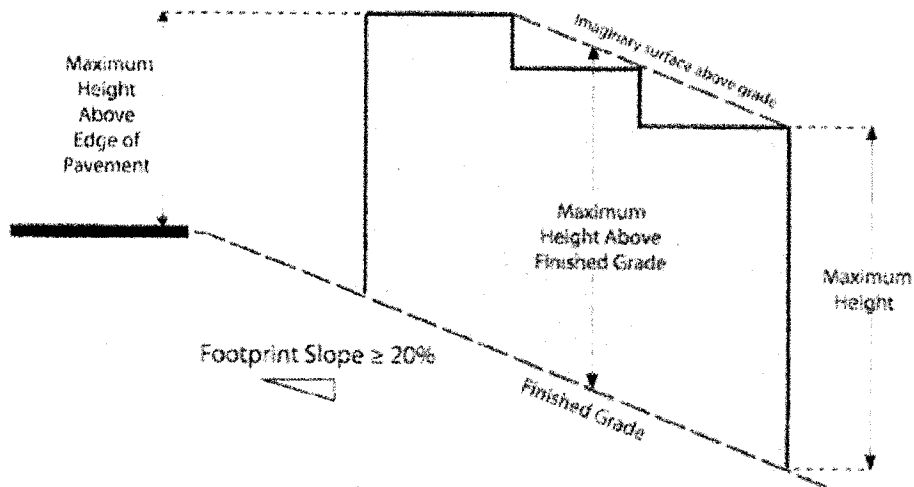
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Illustration for Table 17.13.05 [Additional Regulation 2]
*for illustration purposes only

Upslope



Downslope



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13084, § 2(Exh. A), 3-15-2011)

Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development 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 RH Zzones, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.13.070 Other zoning provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RH Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RH Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RH Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS

Sections:

17.15.010 Title, intent, and description.

17.15.030 Permitted and conditionally permitted activities.

17.15.040 Permitted and conditionally permitted facilities.

17.15.050 Property development standards.

17.15.060 Special regulations for mini-lot and Planned Unit Developments.

17.15.070 Other zoning provisions.

17.15.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the RD Detached Unit Residential (RD) Regulations. The intent of the Detached Unit Residential (RD) Zones regulations is to create, maintain, and enhance residential areas primarily characterized by detached, single-unit structures.
- B. Description of Zones. This Chapter establishes land use regulations for the following two (2) zones:
 1. **RD-1 Detached Unit Residential - 1 Zone.** ~~-1-~~ The intent of the RD-1 Zzone is to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing Non-residential Facilities.
 2. **RD-2 Detached Unit Residential - 2 Zone.** ~~-2-~~ The intent of the RD-2 Zzone is to create, maintain, and enhance areas with detached, single unit structures, with allowances for two-family structures on lots larger than six thousand (6,000) square feet. A limited number of commercial uses will be permitted or conditionally permitted in existing Non-residential Facilities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.15.030 Permitted and conditionally permitted activities.

Table 17.15.01 lists the permitted, conditionally permitted, and prohibited activities in the RD Zzones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.15.01: Permitted and Conditionally Permitted Activities

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Activities	Zones		Additional Regulations
	RD-1	RD-2	
Residential Activities			
Permanent	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Supportive Housing	P(L1) —	PG(L1)	17.103.010
Transitional Housing	P(L1) —	PG(L1)	17.103.010
Emergency Shelter	—	—	
Semi-Transient	—	—	
Bed and Breakfast	C	C	17.10.125
Civic Activities			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	C	C	
Recreational Assembly	C	C	
Community Education	C	C	
Nonassembly Cultural	C	C	
Administrative	C	C	
Health Care	—	—	
Special Health Care	—	—	
Utility and Vehicular	C	C	
Extensive Impact	C	C	
Commercial Activities			
General Food Sales	C(L2)(L3)	C(L2)(L3)	
Full Service Restaurants	C(L2)(L3)	C(L2)(L3)	
Limited Service Restaurant and Cafe	C(L2)(L3)	C(L2)(L3)	
Fast-Food Restaurant	—	—	
Convenience Market	—	—	
Alcoholic Beverage Sales	—(L4)	—(L4)	
Mechanical or Electronic Games	—	—	
Medical Service	—	—	
General Retail Sales	C(L2)(L3)	C(L2)(L3)	
Large-Scale Combined Retail and Grocery Sales	—	—	

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Activities	Zones		Additional Regulations
	RD-1	RD-2	
Consumer Service	—	—	
Consultative and Financial Service	—	—	
Check Cashier and Check Cashing	—	—	
Consumer Cleaning and Repair Service	—	—	
Consumer Dry Cleaning Plant	—	—	
Group Assembly	—	—	
Personal Instruction and Improvement Services	—	—	
Administrative	P(L3)(L5)	P(L3)(L5)	
Business, Communication, and Media Services	—	—	
Broadcasting and Recording Services Commercial Activities	—	—	
Research Service	—	—	
General Wholesale Sales	—	—	
Transient Habitation	—	—	
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	—	—	
Animal Boarding	—	—	
Animal Care	—	—	
Undertaking Service	—	—	
Industrial Activities (all)	—		
Agriculture and Extractive Activities			
Limited Agriculture	P(L6)	P(L6)	
Extensive Agriculture	C(L7)	C(L7)	
Plant Nursery	C	C	
Mining and Quarrying	—	—	
Accessory off-street parking serving prohibited activities	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	17.102.110

Limitations on Table 17.15.01:

~~L1. Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L1. Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L2. These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior the effective date of this Chapter (April 14, 2011), and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.~~

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

L5. These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior to the effective date of this Chapter (April 14, 2011), and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor Nonresidential Facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

17.15.040 Permitted and conditionally permitted facilities.

Table 17.15.02 lists the permitted, conditionally permitted, and prohibited facilities in the RD Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.15.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	RD-1	RD-2	

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Facilities	Zones		Additional Regulations
	RD-1	RD-2	
Residential Facilities			
One-Family Dwelling	P	P	
One-Family Dwelling with Secondary Unit	P	P	17.103.080
Two-Family Dwelling	—	C(L1)	
Multifamily Dwelling	—	—	
Rooming House	—	—	
Mobile Home	—	—	
Nonresidential Facilities			
Enclosed Nonresidential	P	P	
Open Nonresidential	P	P	
Sidewalk Cafe	P(L2)	P(L2)	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
Telecommunications Facilities			
Micro Telecommunications	C	C	17.128
Mini Telecommunications	C	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	C	17.128
Tower Telecommunications	—	—	17.128
Sign Facilities			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P(L3)	P(L3)	17.104
Advertising Signs	—	—	17.104

Limitations on Table 17.15.02:

L1. See Table 17.15.03, Property Development Standards, for additional regulations on this conditionally permitted density.

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

L3. Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed 100 square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.15.050 Property development standards.

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

Table 17.15.03: Property Development Standards

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum Lot Dimensions			
<u>Lot</u> Width mean	45 ft.	45 ft.	1
Frontage	25 ft.	25 ft.	1
Lot area	5,000 sf.	5,000 sf.	1, 2
Maximum Density			
Permitted density	1 primary <u>dwelling</u> unit per lot	1 primary <u>dwelling</u> unit per lot	3, 4
Conditionally permitted density	—	2 units on lots 6,000 sf or greater	3, 5
Minimum Setbacks			
Minimum front (\leq 20% street-to-setback gradient)	20 ft.	20 ft.	6

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Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8
Minimum interior side ≤20% footprint slope	5 ft.	5 ft.	9, 10
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11
Minimum street side	5 ft.	5 ft.	8, 9, 12
Rear	20 ft.	15 ft.	9, 13, 14
Reduced Side and Rear Setbacks for Smaller Lots	See Table 17.15.04 for setbacks for smaller lots		
Floor Area Ratio (FAR) and Lot Coverage	See Table 17.15.05		
Height Regulations for All Lots with a Footprint Slope of <20%			
Maximum wall height primary building	25 ft.	25 ft.	14, 16
Maximum pitched roof height primary building	30 ft.	30 ft.	14, 16
Maximum height for accessory structures	15 ft.	15 ft.	14, 16
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.15.06 for Height regulations for all lots with a footprint slope of >20%		
Maximum Wall Length Before Articulation Required	40 ft.	40 ft.	17
Minimum Parking			
Minimum parking spaces required per <u>Primary Unit</u>	<u>1.5</u> 2	<u>1</u> 1.5	18
Additional parking spaces required for <u>Secondary Unit</u>	1	1	18, 19
Minimum Open Space			
Group open space per <u>Primary Unit</u>	N/A	300 sf	20
Group open space per <u>Primary Unit</u> when private open space substituted	N/A	100 sf	20

Additional Regulations for Table 17.15.03:

- See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean and street frontage regulations.

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2. See Subsection 16.16.170.F in the Subdivision regulations for additional regulations regarding minimum lot area.

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

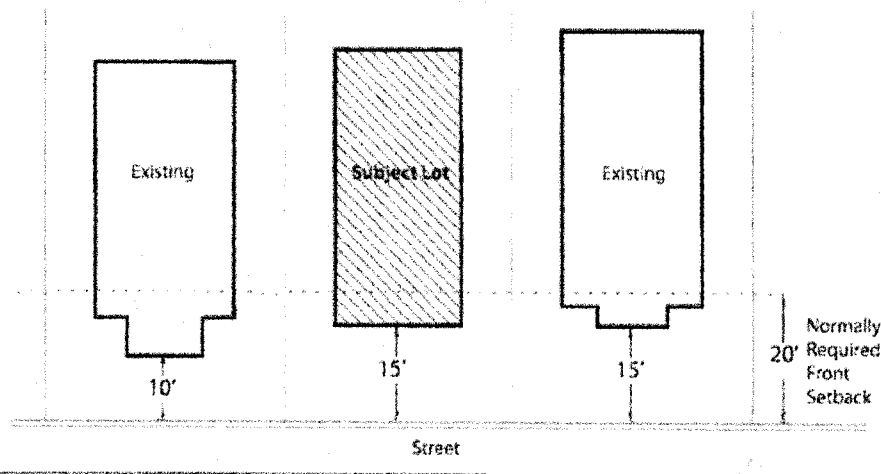
4. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080.

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

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

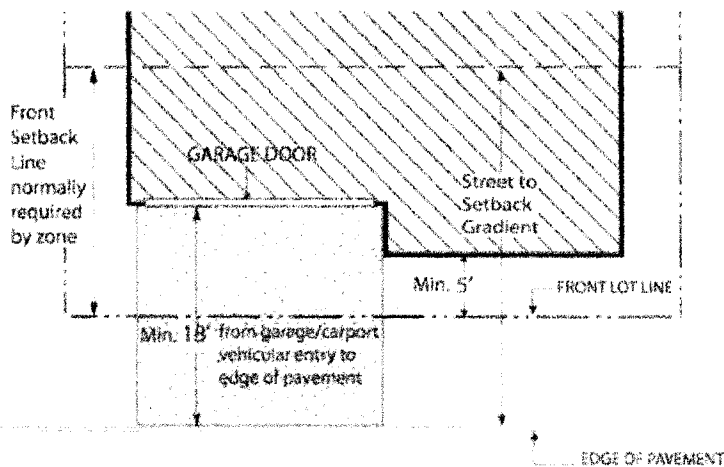
6. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to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

Illustration for Table 17.15.03 [Additional Regulation 6]
*for illustration purposes only



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

Illustration for Table 17.15.03 [Additional Regulation 7]
*for illustration purposes only



8. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:

- a. Roadway construction or widening;

b. Sidewalk construction or widening; and

c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

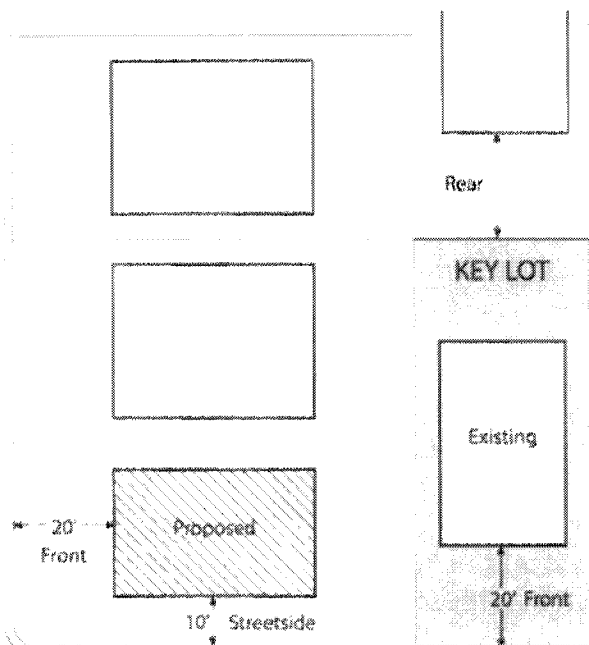
9. See additional reduced side, and rear setbacks for smaller lots, Table 17.15.04. See Section 17.108.130 for allowed projections into setbacks.

10. See Section 17.108.080 for the required interior side and rear setback on a lot containing two (2) or more living units and opposite a legally-required living room window.

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

12. In all Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.15.03 [Additional Regulation 124], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

Illustration for Table 17.15.03 [Additional Regulation 124]
 *for illustration purposes only



13. 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 depth actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

14. In the RD-1 Zone, for lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half (½) foot of rear setback depth for each additional one (1) foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.

15. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

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

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

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

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

20. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. **Setbacks for Smaller Lots.** Table 17.15.04 below prescribes reduced setback standards for lots less than 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 17.15.04 Setbacks for Smaller Lots

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

Additional Regulations for Table 17.15.04:

1. See Section 17.108.130 for allowed projections into setbacks.

D. **Height.** Table 17.15.06 below prescribes height standards associated with different sloped lots. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.15.06 Height Regulations for all Lots with a Footprint Slope of $>20\%$

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	$>20\%$ and $<40\%$	$>40\%$ and $<60\%$	$>60\%$	$>20\%$	
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2

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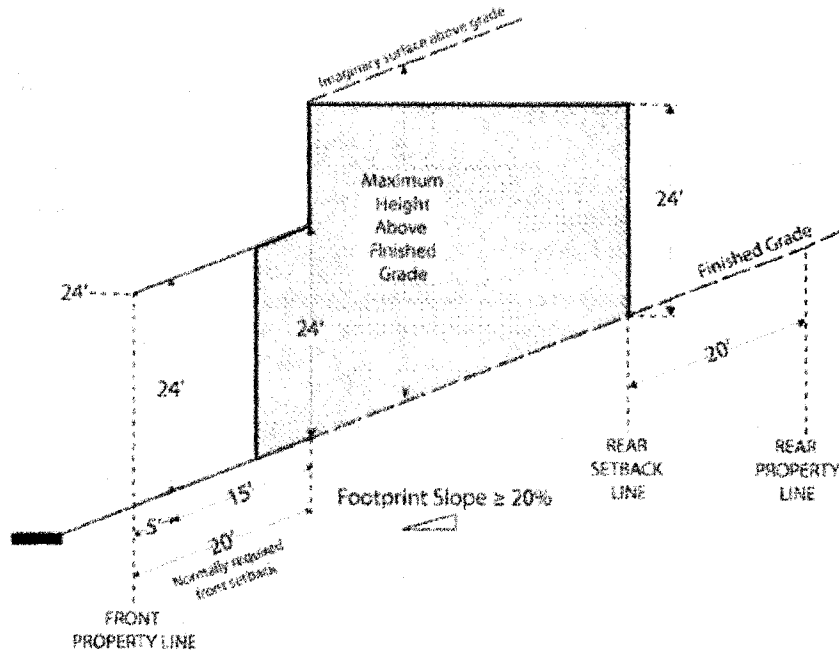
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height Primary Building	36 ft.	38 ft.	40 ft.	35 ft.	1, 2
Maximum Height Above Edge of Pavement	18 ft.	18 ft.	18 ft.	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is greater) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft.	1, 3

Additional Regulations for Table 17.15.06:

- See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
- On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs (see Illustration for Table 17.15.06 [Additional Regulation 2], below).
- The building height is measured from finished or existing grade, whichever is lower.

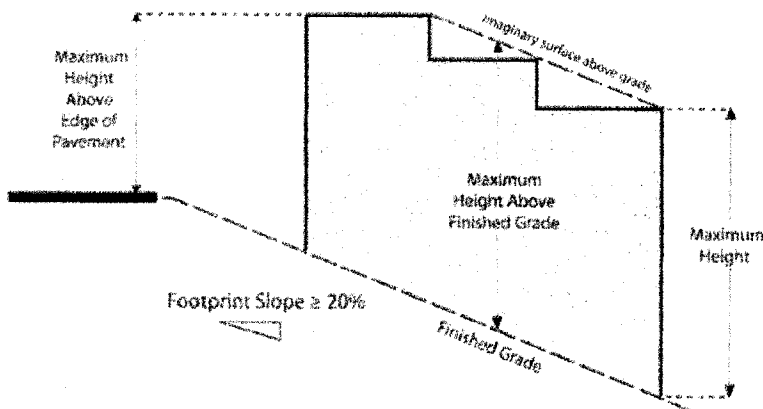
Illustration for Table 17.15.06 [Additional Regulation 2]
*for illustration purposes only

Upslope



1

Downslope



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.15.060 Special regulations for Mmini-Llot and Planned Unit Developments.

- A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain regulations that otherwise apply to individual lots in the RD-1 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RD RH Zones, and certain

of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.15.070 Other zoning provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RD Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RD Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RD Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS**Sections:**

17.17.010 Title, intent, and description.

17.17.030 Permitted and conditionally permitted activities.

17.17.040 Permitted and conditionally permitted facilities.

17.17.050 Property development standards.

17.17.060 Special regulations for mini-lot and Planned Unit Ddevelopments.

17.17.070 Other zoning provisions.

17.17.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the RM Mixed Housing Type Residential (RM) ~~R~~egulations. The intent of the Mixed Housing Type Residential (RM) Zones regulations is to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
- B. Description of Primary Zones. This Chapter establishes land use regulations for the following four (4) primary zones:
 1. **RM-1 Mixed Housing Type Residential - 1 Zone.** ~~-1-~~ The intent of the RM-1 Zzone is to create, maintain, and enhance residential areas characterized by a mix of single family homes and duplexes, and neighborhood businesses where appropriate.
 2. **RM-2 Mixed Housing Type Residential - 2 Zone.** ~~-2-~~ The intent of the RM-2 Zzone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
 3. **RM-3 Mixed Housing Type Residential - 3 Zone.** ~~-3-~~ The intent of the RM-3 Zzone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate.
 4. **RM-4 Mixed Housing Type Residential - 4 Zone.** ~~-4-~~ The intent of the RM-4 Zzone is to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate.
- C. Description of Combining Zone. This Chapter establishes land use regulations for the following combining zone:
 1. **C Residential Commercial Combining Zone.** The intent of the C Combining Zzone is to allow for expanded commercial uses, as well as new commercial uses within certain areas of the Mixed Housing Type Residential (RM) Zzones. When an above primary zone is combined with the C Combining Zzone, the C Residential Commercial Combining Zone permitted uses supersede those of the primary zone.

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(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.17.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.17.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Supportive Housing	<u>P(L1) C(L1)</u>	<u>P(L1) C(L1)</u>	<u>P(L1) C(L1)</u>	<u>P(L1) C(L1)</u>	<u>P(L1) C(L1)</u>	17.103.010
Transitional Housing	<u>P(L1) C(L1)</u>	<u>P(L1) C(L1)</u>	<u>P(L1) C(L1)</u>	<u>P(L1) C(L1)</u>	<u>P(L1) C(L1)</u>	17.103.010
Emergency Shelter	—	P-(L2)	—	—	—	
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	C	C	C	C	P	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	C	C	C	C	C	
Community Education	C	C	C	C	C	
Nonassembly	C	C	C	C	C	

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Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
Cultural						
Administrative	C	C	C	C	C	
Health Care	C	C	C	C	C	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Full Service Restaurants	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Limited Service Restaurant and Cafe	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Fast-Food Restaurant	—	—	—	—	—	
Convenience Market	—	—	—	—	—	
Alcoholic Beverage Sales	—(L6)	—(L6)	—(L6)	—(L6)	—(L6)	
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L7)	
General Retail Sales	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L4)(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L7)	
Consultative and Financial Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	—	
Group Assembly	—	—	—	—	C(L7)(L8)	
Personal Instruction	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	

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Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
and Improvement Services						
Administrative	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L5)	
Business, Communication, and Media Services	—	—	C(L3)(L4)	C(L3)(L4)	P(L5)	
Broadcasting and Recording Services	—	—	—	—	—	
Commercial Activities						
Research Service	—	—	—	—	—	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	
Animal Care	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	
Industrial Activities (all)	—	—	—	—	—	
Agriculture and Extractive Activities						
Limited Agriculture	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	

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Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
Extensive Agriculture	C(L11)	C(L11)	C(L11)	C(L11)	C(L11)	
Plant Nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	—	—	—	—	—	17.116.075
Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	17.102.110

Limitations on Table 17.17.01:

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

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L2. Emergency shelters are permitted by-right within that portion of the Martin Luther King Jr. Way corridor described in Section 17.103.015(A)(1) and subject to the development standards in Section 17.103.015(B).

L3. These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior the effective date of this Chapter (April 14, 2011) and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it

received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

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

L5. These activities may only be located on the ground floor of an existing or new Nonresidential Efacility and may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

L6. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity [in] Subsection 17.114.080.A.1.

L7. These activities may only be located on the ground floor of an existing or new Nonresidential Efacility and the activity may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L8. Adult Entertainment Activities are prohibited.

L9. These activities may only be located in an existing ground floor of a Nonresidential Efacility that was ~~both~~ built prior to the effective date of this Chapter (April 15, 2011), ~~and not original used for a Civic Activity.~~ For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor Nonresidential Efacility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L10. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

L11. 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.17.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Residential Facilities						
One-Family Dwelling	P	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	P	17.103.080
Two-Family Dwelling	C(L1)	P	P	P	Same as underlying zone	
Multifamily Dwelling	—	C(L1)	PC(L1)(L6)	P(L1)	Same as underlying zone	
Rooming House	—	—	—	—	—	
Mobile Home	—	—	—	—	—	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	P	P	P	P	C(L5)	
Sidewalk Cafe	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)	17.103.090
Drive-In Nonresidential	—	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	—	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						

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Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L3)	P(L3)	P(L3)	P(L3)	P(L4)	17.104
Advertising Signs	—	—	—	—	—	17.104

Limitations on Table 17.17.02:

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

L1. See Table 17.17.03, Property Development Standards, for additional regulations on this density.

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

L3. Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed 100 square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.

L4. Business Signs are allowed in the C Combining Zone, otherwise Section 17.104 applies. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in 17.104.

L5. For RM Zones with the C Combining Zone, no Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L6. For the RM-3 Zone, the permitted density allows up to three (3) units on lots meeting the minimum sizes specified in Table 17.17.03. Four (4) or more units on a lot are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.17.050 Property development standards.

- A. Zone Specific Standards. Table 17.17.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Lot Dimensions					
Lot Width mean	35-45 ft.	25 ft. - 45 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 / 5,000 sf.	3,000 / 4,000 sf. 2,500 sf / 4,000 sf / 5,000 sf	3,000 / 4,000 sf.	3,000 / 4,000 sf.	1, 8
Maximum Density					
Permitted density	1 primary unit per lot	1 primary unit on lots less than 4,000 sf.; 2 units on lots 4,000 sf. or greater	1 primary unit on lots less than 4,000 sf.; 2 units on lots 4,000 sf. or greater; 3 units on lots 4,500 sf. or greater	1 primary unit on lots less than 4,000 sf.; For 2 — 5 units on lots 4,000 sf. or greater at a density of 1 unit per 1,000 sf. of lot area 1 — 4 units, 1 unit per 1,100 sf of lot area; only on lots 4,000 sf or greater	2

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Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Conditionally permitted density (only for lots 4,000 sf. or greater)	2 units	For 3 or more units, 1 unit per <u>2,000</u> 2,500 sf. of lot area	For <u>43</u> or more units, 1 unit per 1,500 sf. of lot area	For <u>65</u> or more units, 1 unit per <u>1,000</u> 1,100 sf. of lot area;	2, 3
Minimum Setbacks for Lots Equal to or Greater than Four Thousand (4,000) Square Feet					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6
Minimum interior side	<u>4 ft.</u> 5 ft.	<u>4 ft.</u> <u>3 ft./4 ft./5 ft.</u>	4 ft.	4 ft.	1, 7, 8, 9
Minimum street side	<u>4 ft.</u> 5 ft.	<u>4 ft.</u> <u>3 ft./4 ft./5 ft.</u>	4 ft.	4 ft.	1, 4, 7, 8, 10
Rear	15 ft.	15 ft.	15 ft.	15 ft.	11
<u>Reduced Side and Rear Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet in Size)</u>	See Table 17.17.04 for <u>reduced</u> setbacks for smaller lots				
Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units	See Table 17.17.05 for FAR and maximum lot coverage for 1 or 2 units				
Maximum Lot Coverage for 3 or More Units	N/A	40%	50%	N/A	
Height Regulations for All Lots with a Footprint Slope of <20%					
Maximum wall height primary building	25 ft.	25 / <u>30</u> ft.	30 ft.	35 ft.	12, 13, 14
Maximum pitched roof height primary building	30 ft.	30 / <u>35</u> ft.	30 ft.	35 ft.	12, 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	12
Height Regulations for all Lots with a Footprint Slope of > 20%	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				

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Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Maximum Wall Length Before Articulation Required for all Lots with a Footprint Slope of > 20%	40 ft.	40 ft.	40 ft.	40 ft.	15
Minimum Parking					
Minimum parking spaces required per Primary Unit	1.5	1 / 1.5	1	1	16, 17
Additional parking spaces required for Secondary Unit	1	1	1	1	16, 18
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Minimum Open Space					
Group open space per Primary Unit	300 sf	<u>200</u> 300 -sf	200 sf	175 sf	19
Group open space per Primary Unit when private open space substituted	100 sf	<u>85</u> 100 -sf	85 sf	70 sf	19
Courtyard Regulations	See Section 17.108.120				

Additional Regulations for Table 17.17.03:

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

a. Also for the RM-2 Zone in the West Oakland District only, Aa conditional use permit to further reduce the minimum lot area to from four thousand (4,000) square feet in the RM-1 Zone, or (as specific above) to three thousand (3,000) two thousand five hundred (2,500) square feet in the RM-2, RM-3, or RM-4 Zone, may be granted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to the following additional criteria:

i. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is four thousand (4,000) square feet or less in the RM-1 Zone, or three thousand

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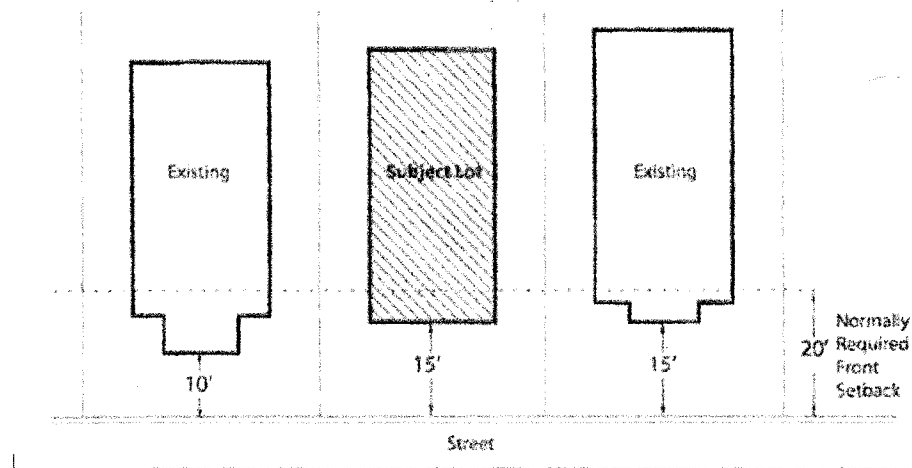
(3,000) square feet or less in the RM-2, RM-3, or RM-4 Zone, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.

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

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

Illustration for Table 17.17.03 [Additional Regulation 4]

*For illustration purposes only



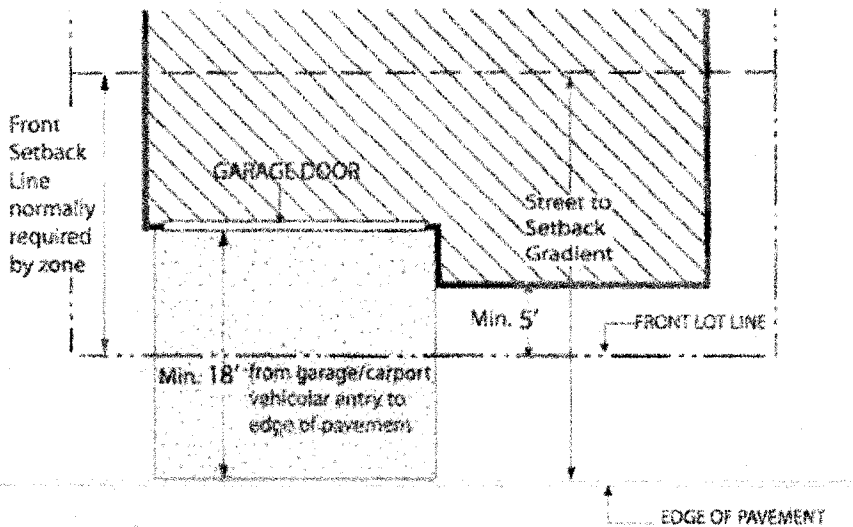
5. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:

- a. Roadway construction or widening;
- b. Sidewalk construction or widening; and
- c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unity Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

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

Illustration for Table 17.17.03 [Additional Regulation 6-5
*for illustration purposes only



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

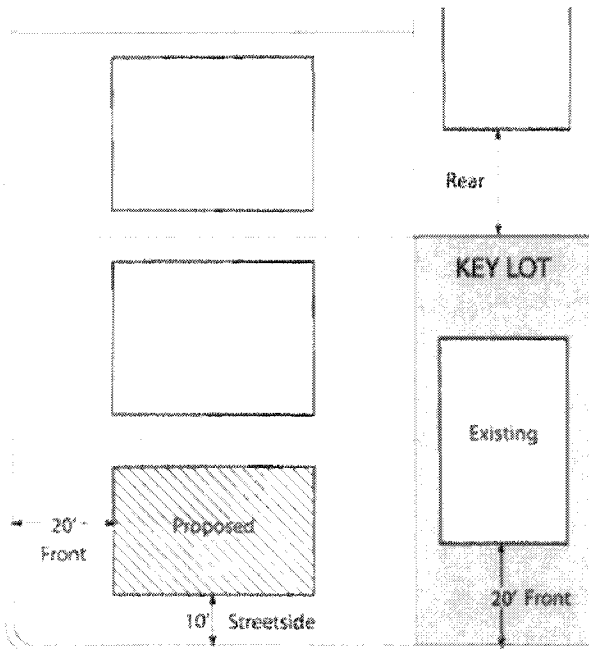
8. For the ~~RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north)~~, the minimum interior side and street side setbacks for lots equal to or greater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

9. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.

10. In all Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ($\frac{1}{2}$) of the minimum front setback depth required on the

key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. This does not apply to lots within the C Combining Zzone (see Illustration for Table 17.17.03 [Additional Regulation 109], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

Illustration Table 17.17.03 [Additional Regulation 109]
*for illustration purposes only



11. 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 depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

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

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

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

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

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

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

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

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

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

B. Reduced Setbacks for Smaller Lots. Table 17.17.04 below prescribes reduced setback standards for lots less than 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 17.17.04 Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet)

Regulation	Lot Size		Additional Regulations
	$\leq 4,000$ sf or ≤ 40 feet wide	$\leq 3,000$ sf or ≤ 35 feet wide	
Minimum Setbacks			
Minimum front (<20% street-to-setback)	15 ft.		1

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<u>gradient only</u>			
Minimum interior side	<u>3 ft. 4 ft</u>	<u>3 ft</u>	<u>1</u>
Minimum street side	<u>3 ft. 4 ft</u>	<u>3 ft</u>	<u>1</u>
Rear	<u>15 ft.</u>	<u>15 ft</u>	<u>1</u>

Additional Regulations for Table 17.17.04:

1. See Section 17.108.130 for allowed projections into setbacks.
- C. Floor Area Ratio (FAR) and Lot Coverage for One- and Two-Family Dwelling Units Only. Table 17.17.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

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

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

Additional Regulations for Table 17.17.05:

1. Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty percent (20%). Lots less than five thousand (5,000) square feet may have a dwelling with a minimum of two thousand (2,000) square feet of floor area, regardless of FAR listed.
2. Regulation does not apply in the C Combining Zzone.
3. Lots less than five thousand (5,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.
- D. Height. Table 17.17.06 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:	Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations

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	> 20% and ≤ 40%	> 40% and ≤ 60%	> 60%	> 20%	
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height Primary Building	36 ft.	38 ft.	40 ft.	35 ft.	1, 2
Maximum Height Above Edge of Pavement	18 ft.	18 ft.	18 ft.	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft.	1, 3

Additional Regulations for Table 17.17.06:

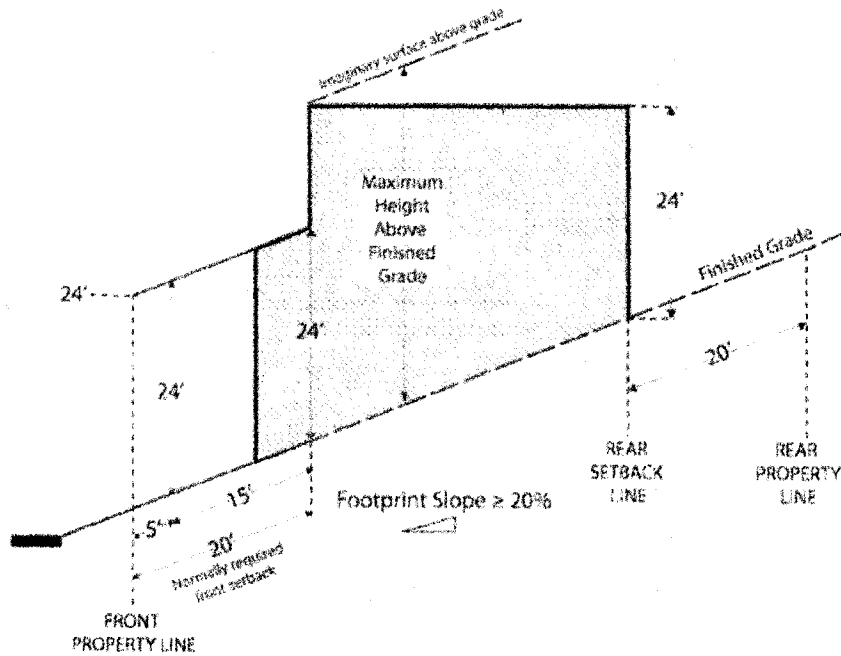
- See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
- On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
 - Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
 - Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
 - Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.17.06 [Additional Regulation 2], below).
- The building height is measured from finished or existing grade, whichever is lower.

Illustrations for Table 17.17.06 [Additional Regulation 2]

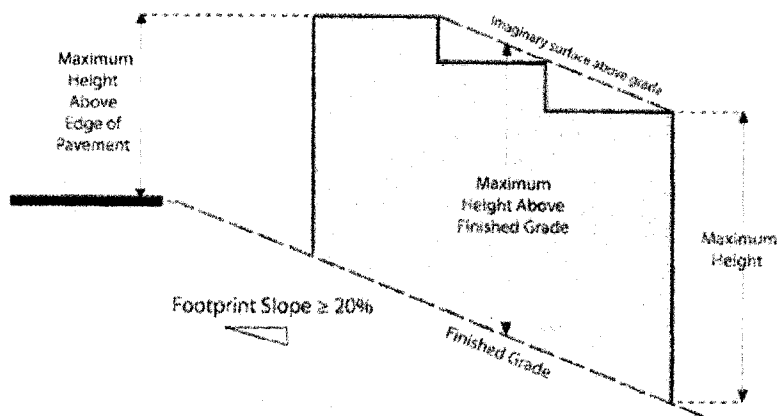
*for illustration purposes only

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Upslope



Downslope



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.17.060 Special regulations for Mmini-Llot and Planned Unit Ddevelopments.

- A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain regulations that otherwise apply to individual lots in the RM Zzones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development 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 RM Zzones, and certain of

the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.17.070 Other zoning provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RM Zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RM Zones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RM Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

- 17.19.010 Title, intent, and description.
- 17.19.030 Permitted and conditionally permitted activities.
- 17.19.040 Permitted and conditionally permitted facilities.
- 17.19.050 Property development standards.
- 17.19.060 Special regulations for mini-lot and Planned Ununit Developments.
- 17.19.070 Other zoning provisions.

17.19.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the RU Urban Residential (~~RU~~) Regulations. The intent of the Urban Residential (RU) Zones regulations is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services.
- B. Description of Zones. This Chapter establishes land use regulations for the following five (5) zones:
 - 1. **RU-1 Urban Residential - 1 Zone.** ~~—4—~~The intent of the RU-1 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 - 2. **RU-2 Urban Residential - 2 Zone.** ~~—2—~~The intent of the RU-2 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 - 3. **RU-3 Urban Residential - 3 Zone.** ~~—3—~~The intent of the RU-3 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures at somewhat higher densities than RU-2, and neighborhood businesses where appropriate in locations with good access to transportation and other services.
 - 4. **RU-4 Urban Residential - 4 Zone.** ~~—4—~~The intent of the RU-4 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures on the City's major corridors.
 - 5. **RU-5 Urban Residential - 5 Zone.** ~~—5—~~The intent of the RU-5 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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17.19.030 Permitted and conditionally permitted activities.

Table 17.19.01 lists the permitted, conditionally permitted, and prohibited activities in the RU Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.19.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched PermanentSupportive Housing	P (L1)	P (L1)	P (L1)	P (L1)	P (L1)	17.103.010
Transitional Housing	P (L1)	P (L1)	P (L1)	P (L1)	P (L1)	17.103.010
Emergency Shelter	—	C(L1)	P(L2)	P(L2)	P(L2)	17.103.010
Semi-Transient	—	—	—	C(L1)	C(L1)	
Bed and Breakfast	C	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	C	C	C	P(L3)	P(L3)	
Nonassembly Cultural	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	
Administrative	C	C	C	P(L3)(L4)	P(L3)(L5)	
Health Care	C	C	C	P(L3)(L4)	P(L3)(L5)	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	

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Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Commercial Activities						
General Food Sales	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Full Service Restaurants	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Limited Service Restaurant and Cafe	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Fast-Food Restaurant	—	—	—	—	C(L5)	17.103.030
Convenience Market	—	—	—	—	C(L5)	17.103.030
Alcoholic Beverage Sales	—(L8)	—(L8)	—(L8)	C(L4)	C(L5)	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	C(L5)	
Medical Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
General Retail Sales	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L6)(L7)(L10)	P(L7)(L9)(L10)	P(L7)(L9)(L10)	P(L3)(L4)(L10)	P(L3)(L5)(L10)	
Consultative and Financial Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Consumer Dry Cleaning Plant	—	—	—	C(L4)	C(L5)	
Group Assembly	—	—	C(L6)(L7)(L11)	C(L4)(L11)	C(L5)(L11)	
Personal Instruction and Improvement Services	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Administrative	P(L7)(L12)	P(L7)(L12)	P(L7)(L12)	P(L3)(L4)	P(L3)(L5)	
Business, Communication, and Media Services	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L2)(L4)	P(L3)(L5)	
Broadcasting and Recording Services Commercial Activities	—	—	—	P(L3)(L4)	P(L3)(L5)	
Research Service	—	—	—	P(L3)(L4)	P(L3)(L5)	

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Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	
Animal Care	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	
Industrial Activities (all)	—	—	—	—	—	
Agriculture and Extractive Activities						
Limited Agriculture	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	
Extensive Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Plant Nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	17.102.110

Limitations on Table 17.19.01:

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

Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L2. Emergency shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(4)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitation L1 above.

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

L4. In the RU-4 Zzone, these activities may only be located either on the ground floor of a corner parcel or in an existing Nnonresidential Ffacility that was built prior to the effective date of this Cchapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

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

L6. In the RU-1, RU-2, and RU-3 Zzones, these activities may only be located in an existing ground floor of a Nnonresidential Ffacility that was both built prior to the effective date of this Cchapter (April 14, 2011), ~~and not originally used for a Civic Activity.~~ For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

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

L8. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming activity Section 17.114.080(A)1.

L9. These activities may only be located in an existing ground floor of a Nnonresidential Ffacility that was both built prior to the effective date of this Cchapter (April 14, 2011), ~~and not originally used for a Civic Activity.~~ For the purposes of this limitation, a facility is considered built

if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

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

L11. Adult ~~E~~entertainment ~~A~~activities are prohibited.

L12. These activities may only be located in an existing ground floor of a ~~N~~nonresidential ~~F~~facility that was ~~both~~ built prior to the effective date of this ~~C~~chapter (April 14, 2011), ~~and not originally used for a Civic Activity.~~ These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit is required if the facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

L13. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre 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).

L14. 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.19.040 Permitted and conditionally permitted facilities.

Table 17.19.02 lists the permitted, conditionally permitted, and prohibited facilities in the RU ~~Z~~zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
	Residential Facilities					

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Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
One-Family Dwelling	P	P	P	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	P	P	P	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P	P	P	P	P	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	—	C	C	P	P	
Mobile Home	—	—	—	—	—	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P(L2)	P(L3)	
Open Nonresidential	P	P	P	P	P	
Sidewalk Cafe	P(L4)	P(L4)	P(L4)	P	P	17.103.090
Drive-In Nonresidential	—	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	—	
Telecommunications Facilities						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L5)	P(L5)	P(L5)	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

Limitations on Table 17.19.02:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

L2. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor of corner lots. It is not permitted either on an interior lot or above the ground floor.

L3. Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor.

L4. Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

L5. Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.19.050 Property development standards.

- A.** Zone Specific Standards. Table 17.19.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum Lot Dimensions						
<u>Lot</u> Width mean	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	1
Maximum Density						

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Permitted density for regular dwelling units	1 unit per <u>1,000</u> 1,100 <u>sf. of lot area</u>	1 unit per <u>750</u> 800 <u>sf. of lot area</u>	1 unit per <u>450</u> <u>sf. of lot area</u>	See Table 17.19.04	See Table 17.19.04	2
Permitted density for rooming units	N/A	1 unit per <u>750</u> 800 <u>sf. of lot area</u>	1 unit per <u>450</u> <u>sf. of lot area</u>	See Table 17.19.04	See Table 17.19.04	
Minimum Setbacks						
Minimum front (≤20% street-to-setback gradient) for <u>R</u> esidential <u>F</u> acilities	15 ft.	10 ft.	10 ft.	5 ft.	0 ft.	3, 4, 5, 6
Minimum front (>20% street-to-setback gradient) for <u>R</u> esidential <u>F</u> acilities	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3, 4, 5, 6
Minimum front for <u>C</u> ommercial <u>F</u> acilities	15 ft.	10 ft.	10 ft.	0 ft.	0 ft.	3
Minimum interior side	4 ft.	4 ft.	0 ft.	0 ft.	0 ft.	3, 7, 8
Minimum street side	4 ft.	4 ft.	4 ft.	0 ft.	0 ft.	3, 4, 7, 9
Rear (Residential Facilities)	15 ft.	15 ft.	<u>10/15</u> ft.	10/15 ft.	10/15 ft.	3, 7, 10, 11
Rear (Nonresidential Facilities)	15 ft.	15 ft.	<u>10/15</u> ft.	0/10/15 ft.	0/10/15 ft.	3, 10, 11
Setbacks for Smaller Lots < <u>4,000</u> sf. <u>3,000</u> sf. or < 35 ft wide						
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A	3, 8
Minimum street side	3 ft.	3 ft.	3 ft.	N/A	N/A	3, 4, 8
Height Regulations						
Minimum height of ground floor <u>N</u> onresidential <u>F</u> acilities	<u>N/A</u> 0 ft.	<u>N/A</u> 0 ft.	<u>N/A</u> 0 ft.	<u>15 ft. 12 ft.</u>	<u>15 ft. 12 ft.</u>	12
Minimum separation between the grade and ground floor living space	0 ft.	0 ft.	0 ft.	2.5 ft.	2.5 ft.	13
Maximum height primary building	40 ft.	50 ft.	60 ft.	See Table 17.19.04	See Table 17.19.04	14, 15
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	See Table 17.19.04	See Table 17.19.04	
Parking Requirements						

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum Parking Spaces Required per Regular Residential Unit	1	1	1	1	1	16
Additional Parking Spaces Required for Secondary Unit	1	1	1	1	1	16, 17
Parking and driveway location requirements	No	No	No	Yes	Yes	18
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking					
Minimum Usable Open Space						
Group usable open space per regular unit	150 sf 175 sf	150 sf 175 sf	150 sf	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per regular unit when private open space is substituted	30 sf 50 sf	30 sf	30 sf	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per rooming unit	75 sf 85 sf	75 sf 85 sf	75 sf	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per rooming unit when private open space substituted	15 sf	15 sf	15 sf	See Table 17.19.04	See Table 17.19.04	19
Courtyard Regulations	See Section 17.108.120					

Additional Regulations for Table 17.19.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
3. See Section 17.108.130 for allowed projections into setbacks.
4. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of

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public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:

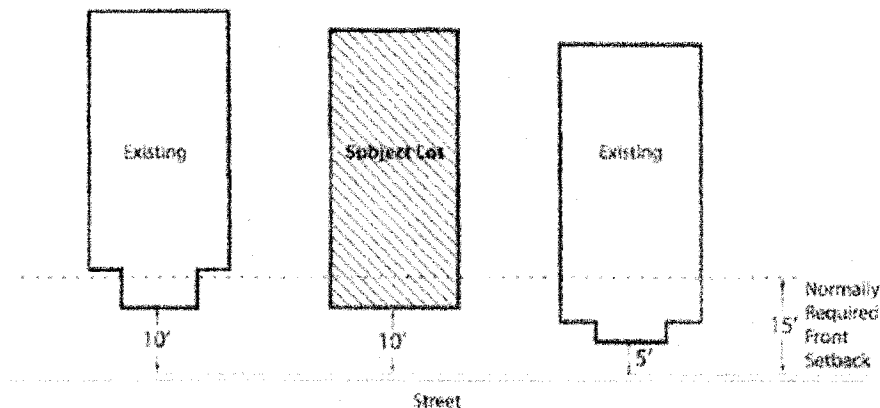
- a. Roadway construction or widening;
- b. Sidewalk construction or widening; and
- c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unity Ddevelopment (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

5. In the RU-1 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than fifteen (15) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a fifteen (15) foot front setback (see Illustration for Table 17.19.03 [Additional Regulation 54], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 54]

*for illustration purposes only

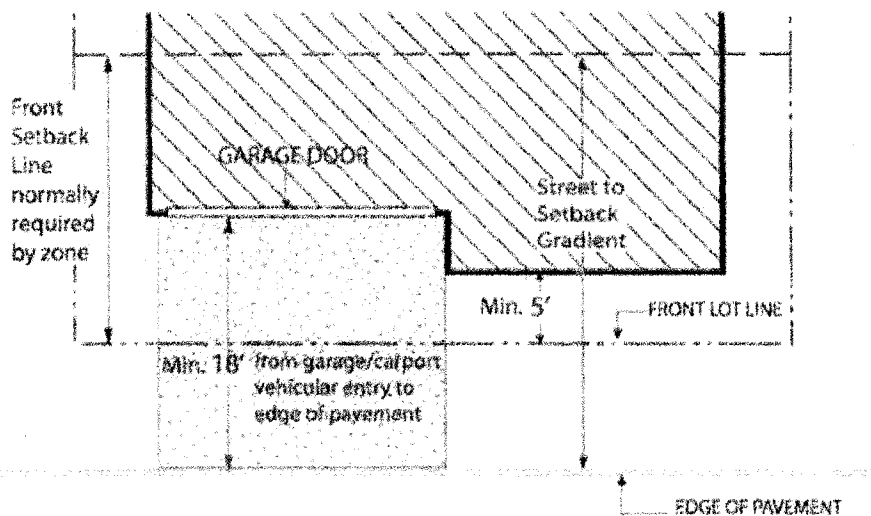


6. In all Residential Zones, the minimum front setback otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.19.03 [Additional Regulation 65], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 65]

*for illustration purposes only

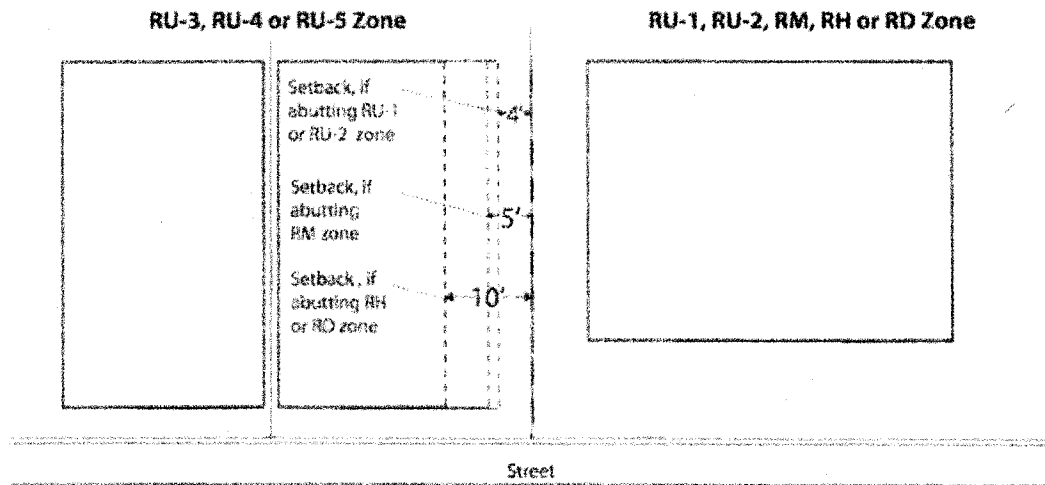
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7. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.
8. Wherever an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 Zone abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 Zone abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line in an RU-3, RU-4, or RU-5 lot abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.19.03 [Additional Regulation 87] below).

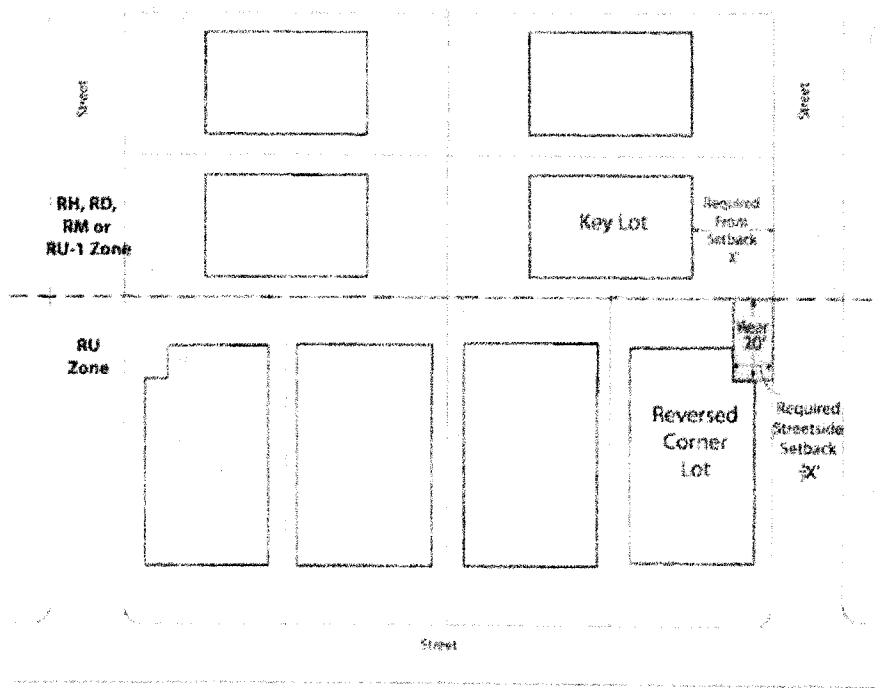
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Illustration for Table 17.19.03 [Additional Regulation 87]
*for illustration purposes only



9. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, or the RU-1 Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.19.03 [Additional Regulation 98], below).

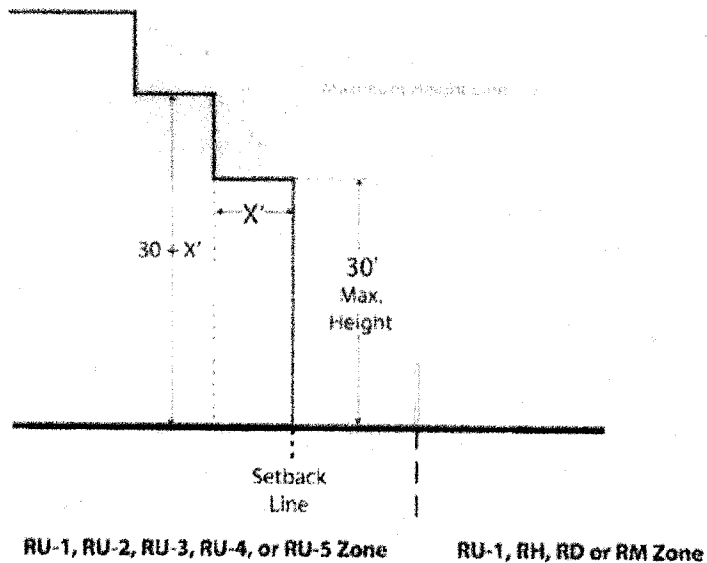
Illustration for Table 17.19.03 [Additional Regulation 98]
*for illustration purposes only



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

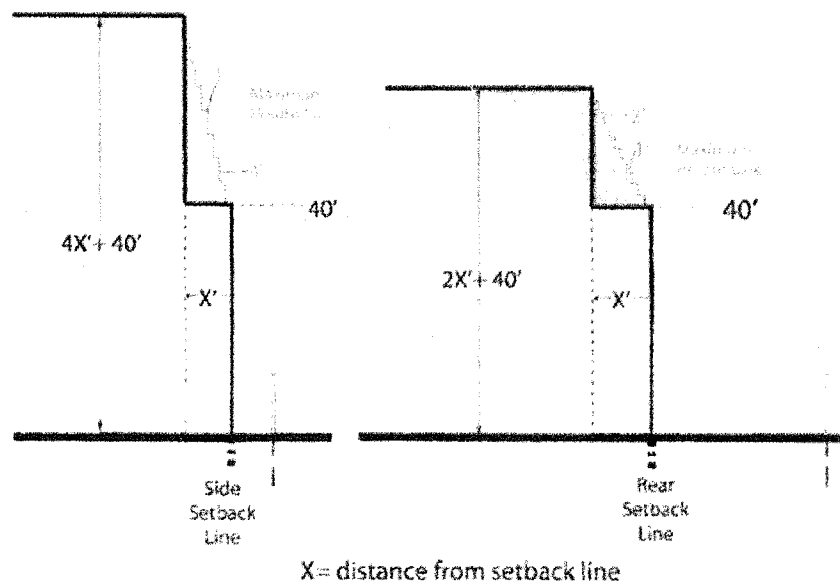
11. When a rear lot line in the RU-3, RU-4, or RU-5 Zones is adjacent to an RH, RD, or RM Zone, ~~or the RU-1 Zone,~~ the required rear setback for both Rresidential and Nnonresidential Efacilities is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet. When a rear lot line of a lot in these zones is not adjacent to an RH, RD, or RM Zone, ~~or the RU-1 Zone,~~ the required rear setback is ten (10) feet for Rresidential Efacilities and there is no required setback for Nnonresidential Efacilities.
12. This height is only required for new principal buildings and is measured from the sidewalk grade to the second story floor. ~~to the ground floor ceiling.~~
13. This regulation only applies to new Rresidential Efacilities and ground floor living space located within fifteen (15) feet of a street frontage.
14. Buildings in the RU ~~RU-1, RU-2, RU-3, RU-4, and RU-5~~ Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an ~~RU-1 Zone or an~~ RH, RD, or RM Zone; this maximum height may increase one (1) foot for every foot of distance from this setback line (see Illustration for Table 17.19.043 [Additional Regulation 144], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.19.03 [Additional Regulation 1443]
 *for illustration purposes only



15. In the RU-2 and RU-3 Zone, a building may only exceed forty (40) feet in height up to the maximum height if each portion above forty (40) feet is: Set back from the inner line of each of the minimum side setbacks, if any, required by Subsection 17.28.150.C.1 a minimum horizontal distance equal to one (1) foot for each four (4) feet by which it extends above the height of forty (40) feet; and set back from the inner line of the minimum rear yard required by Subsection 17.28.150.D a minimum horizontal distance equal to one (1) foot for each two (2) feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet (see Illustration for Table 17.19.03 [Additional Regulation 1544], below).

Illustration for Table 17.19.03 [Additional Regulation 1544]
 *for illustration purposes only



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

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

18. For the new construction of principal buildings in the RU-4 and RU-5 Zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

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

B. **Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only.** Table 17.19.04 below prescribes height, FAR, intensity, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

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

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
Maximum Height	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	<u>120</u> 90 ft.	1, 2
Height Minimum							
Permitted height minimum	<u>N/A</u> 0 ft.	<u>N/A</u> 0 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	<u>N/A</u>	<u>N/A</u>	25 ft.	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per unit)	550 sf.	450 sf.	<u>350</u> 375 sf.	<u>250</u> 275 sf.	225 sf.	225 sf.	4, 5, 7
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4, 5, 7
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	11	
Minimum Usable Open Space							
Group usable open space per regular unit	150 sf.	150 sf.	150 sf.	150 sf.	100 sf.	100 sf.	6
Group usable open space per regular unit	30 sf.	30 sf.	30 sf.	30 sf.	20	20 sf.	6

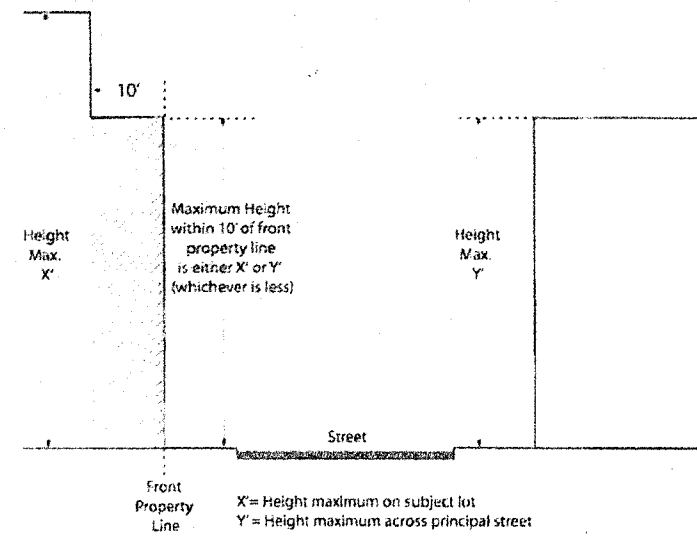
Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
when private open space substituted					sf.		
Group usable open space per rooming unit	75 sf.	75 sf.	75 sf.	75 sf.	50 sf.	50 sf.	6
Group usable open space per rooming unit when private open space is substituted	15 sf.	15 sf.	15 sf.	15 sf.	10 sf.	10 sf.	6

Additional Regulations for Table 17.19.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.19.04 [Additional Regulation 1], below).

Illustration for Table 17.19.04 [Additional Regulation 1]

*for illustration purposes only



2. Buildings in the ~~RU~~ RU-2, RU-3, RU-4, and RU-5 Zones shall have a thirty (30) foot maximum height at the setback line along any rear or interior side lot line that abuts a lot in an RH, RD, or RM, ~~or RU-1~~ Zone; this maximum height may increase one (1) foot for every foot of distance away from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

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

5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.

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

7. In the RU-5 Zone only, the number of living units and/or amount of Floor-Area Ratio (FAR) permitted by Table 17.19.04 may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in the following situation:

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.19.060 Special regulations for Mmini-Llot and Planned Unit Ddevelopments.

A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain regulations that apply to individual lots in the RU Zones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RU Zones, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.19.070 Other zoning provisions.

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

B. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

- C. Chapters 17.104, 17.106, and 17.108 shall apply in the RU Zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RU-1, RU-2, RU-3, RU-4, and RU-5 Zones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RU Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

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

Sections:

17.30.010 Title, purpose, and applicability.

17.30.040 Required design review process.

17.30.050 Permitted activities.

17.30.060 Conditionally permitted activities.

17.30.080 Conditionally permitted facilities.

17.30.090 Special regulations applying to certain commercial activities.

17.30.100 Performance standards for commercial activities.

17.30.110 Use permit criteria for commercial activities.

17.30.130 Minimum lot area, width, and frontage.

17.30.140 Maximum residential density.

17.30.150 Maximum Floor-Area Ratio.

17.30.200 Special regulations for Mini-Lot Developments, Planned Unit Developments, and large-scale developments.

17.30.210 Other zoning provisions.

17.30.010 Title, purpose, and applicability.

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

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.040 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been

approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

Semi-Transient

C. Agricultural and Extractive Activities:

Limited Agriculture, permitted outright; if the activity occupies less than 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)

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.060 Conditionally permitted activities.

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

A. Residential Activities:

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

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

- E. Off-street parking serving activities other than those listed above or in Section 17.30.050, subject to the conditions set forth in Section 17.116.075.
- F. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone subject to the conditions set forth in Section 17.102.110.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.080 Conditionally permitted facilities.

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

A. Telecommunications Facilities:

Micro Telecommunications

Mini Telecommunications

Macro Telecommunications

Monopole Telecommunications

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.090 Special regulations applying to certain commercial activities.

All General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Convenience Market, Alcoholic Beverage Sales, and Consumer Service Commercial Activities shall, except for off-street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, ~~with customer access only through the lobby of such a facility.~~ The maximum floor area devoted to such activities by any single establishment shall be three thousand (3,000) ~~one thousand five hundred (1,500)~~ square feet. ~~No Business Signs or display windows shall be provided for such activities.~~ See also Section 17.103.030.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.100 Performance standards for commercial activities.

All Commercial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.110 Use permit criteria for commercial activities.

- A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, or Consumer Service. A conditional use permit for General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, or Consumer Service Commercial Activities may be granted only upon

determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and that the proposed activities are intended primarily to serve residents of the facility within which the activities are to be located. See also Section 17.103.030.

- B. Consultative and Financial Service. A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:
1. That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;
 2. That the proposed activity will generate little or no vehicular and ~~pedestrian~~ traffic beyond that represented by persons living or working on the premises in the surrounding area.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.130 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.140 Maximum residential density.

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

17.30.150 Maximum Floor-Area Ratio.

The maximum Floor-Area Ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio (FAR). The maximum permitted Floor-Area Ratio is 3.50, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- B. Conditionally Permitted Floor-Area Ratio (FAR). The Floor-Area Ratio permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%)

upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

17.30.200 Special regulations for Mmini-Llot Ddevelopments, Planned Unit Ddevelopments, and large-scale developments.

- A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain of the regulations otherwise applying to individual lots in the R-80 Zzone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Ddevelopment regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 Zzone, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.
- C. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, ~~or a new building or portion thereof of more than one hundred twenty (120) feet in height,~~ shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid Planned Unit Ddevelopment permit is in effect.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

17.30.210 Other zoning provisions.

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-80 Zzone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in R-80 Zzone.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS**Sections:**

17.33.010 Title, intent, and description.

17.33.030 Permitted and conditionally permitted activities.

17.33.040 Permitted and conditionally permitted facilities.

17.33.050 Property development standards.

17.33.060 Special regulations for mini-lot and Planned Unit Ddevelopments.

17.33.070 Other zoning provisions.

17.33.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the CN Neighborhood Center Commercial (CN) Zones Regulations. The intent of the Neighborhood Center Commercial (CN) Zones is to create, preserve, and enhance mixed use neighborhood commercial centers. The centers are typically characterized by smaller scale pedestrian oriented, continuous and active store fronts with opportunities for comparison shopping. These regulations shall apply to the CN Zones.
- B. Description of Zones. This Chapter establishes land use regulations for the following four (4) zones:
 1. **CN-1 Neighborhood Commercial - 1 Zone.** ~~1.~~ The intent of the CN-1 Zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping.
 2. **CN-2 Neighborhood Commercial - 2 Zone.** ~~2.~~ The intent of the CN-2 Zone is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment.
 3. **CN-3 Neighborhood Commercial - 3 Zone.** ~~3.~~ The intent of the CN-3 Zone is to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment.
 4. **CN-4 Neighborhood Commercial - 4 Zone.** ~~4.~~ The intent of the CN-4 Zone is to accommodate a broad range of low impact, retail, and service uses in small commercial districts, often near lower density residential neighborhoods.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.33.030 Permitted and conditionally permitted activities.

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Activities					
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	17.103.010
Service-Enriched Permanent Supportive Housing	P C(L1)(L23)(L34)	P C(L1)(L23)(L34)	P C(L1)(L3)(L4)	P C(L1)(L3)	17.103.010
Transitional Housing	P C(L1)(L23)(L34)	P C(L1)(L23)(L34)	P C(L1)(L3)(L4)	P C(L1)(L3)	17.103.010
Emergency Shelter	P(L5)	P(L5)	P(L5)	C(L1)(L3)	17.103.010
Semi-Transient	—	—	—	—	
Bed and Breakfast	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)	
Civic Activities					
Essential Service	P(L17)	P(L17)	P(L17)	P(L17)	
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L2)	P(L2)	P(L6)	P(L6)	
Community Assembly	C(L4)	C(L4)	C(L4)	C	
Recreational Assembly	P(L2)	P(L2)	P(L6)	P(L6)	
Community Education	C(L4)	C(L4)	C(L4)	C	
Nonassembly Cultural	P(L6)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	
Health Care	C(L4)	C(L4)	C(L4)	C	
Special Health Care	C(L4)(L7)	C(L4)(L7)	C(L4)(L7)	C(L7)	17.103.020
Utility and Vehicular	C(L4)	C(L4)	C(L4)	C	
Extensive Impact	C(L4)	C(L4)	C(L4)	C	
Commercial Activities					
General Food Sales	P(L6)	P(L6)	P(L8)	P(L8)	

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Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Full Service Restaurants	C(L4)	P(L6)	P(L6)	P(L6)	
Limited Service Restaurant and Cafe	C(L4)	P(L6)	P(L6)	P(L6)	
Fast-Food Restaurant	C(L4)	C(L4)	C(L4)	C	17.103.030 and 8.09
Convenience Market	C(L4)	C(L4)	C(L4)	C	17.103.030
Alcoholic Beverage Sales	C(L4)	C(L4)	C(L4)	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C(L4)	C(L4)	C(L4)	C	
Medical Service	P(L2)	P(L8)	P(L8)	P(L6)	
General Retail Sales	P(L6)	P(L6)	P(L9)	P(L9)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	
Consultative and Financial Service	P(L2)	P(L11)	P(L6)	P(L6)	
Check Cashier and Check Cashing	—	—	—	—	
Consumer Cleaning and Repair Service	P(L6)	P(L6)	P(L6)	P(L6)	
Consumer Dry Cleaning Plant	C(L4)	C(L4)	C(L4)	C	
Group Assembly	C(L4)(L12)	C(L4)(L12)	C(L4)(L12)	C(L12)	
Personal Instruction and Improvement Services	P(L2)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	
Business, Communication, and Media Services	P(L2)	P(L2)	P(L6)	P(L6)	
Broadcasting and Recording Services	P(L2)	P(L2)	P(L6)	P(L6)	
Research Service	C(L4)	C(L4)	P(L6)	P(L6)	
General Wholesale Sales	—	—	—	—	
Transient Habitation	—	—	—	—	

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Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Building Material Sales	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	C	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	
Automotive Fee Parking	C(L4)	C(L4)	C(L4)	C	
Animal Boarding	—	—	—	—	
Animal Care	C(L4)	C(L4)	P(L6)	P(L6)	
Undertaking Service	—	—	—	—	
Industrial Activities					
Custom Manufacturing	C(L4) (L13)	C(L4) (L13)	C (L13)	C	
Light Manufacturing	—	—	—	—	
General Manufacturing	—	—	—	—	
Heavy/High Impact	—	—	—	—	
Research and Development	—	—	—	—	
Construction Operations	—	—	—	—	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-	—	—	—	—	

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Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Related					
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	
Agriculture and Extractive Activities					
Limited Agriculture	C(L14)	C(L14)	P(L15)	P(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	C(L4)	C(L4)	C(L4)	C	
Mining and Quarrying	—	—	—	—	
Accessory off-street parking serving prohibited activities	C(L4)	C(L4)	C(L4)	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C(L4)	C(L4)	C(L4)	C	17.102.110

Limitations on Table 17.33.01:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L5. Emergency ~~S~~shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(2)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1, L3, and L4 above.

L7. 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 ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L12. No new or expanded ~~A~~adult ~~E~~entertainment ~~A~~activity shall be located closer than one thousand (1,000) feet to the boundary of any ~~R~~residential ~~Z~~zone or three hundred (300) feet from any other ~~A~~adult ~~E~~entertainment ~~A~~activity. See Section 17.102.160 for further regulations regarding ~~A~~adult ~~E~~entertainment ~~A~~activities.

L17. Community Gardens are permitted ~~by~~ outright if they do not include the cultivation of animals, animal products, 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).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.33.040 Permitted and conditionally permitted facilities.

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN ~~Z~~zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P(L2)	P(L2)	P(L3)	P	
Multifamily Dwelling	P(L2)	P(L2)	P(L3)	P	
Rooming House	P(L2)	P(L2)	P(L3)	P	
Mobile Home	—	—	—	—	

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Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In	—	—	—	C	
Drive-Through	—	—	—	C(L5)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Mini Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

Limitations on Table 17.33.02:

L3. Ground floor construction of new Residential Facilities is only permitted on interior lots and requires the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). New construction of ground floor Residential Facilities is not permitted on a corner lot.

L6. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.33.050 Property development standards.

- A. Zone Specific Standards. Table 17.33.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer

to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

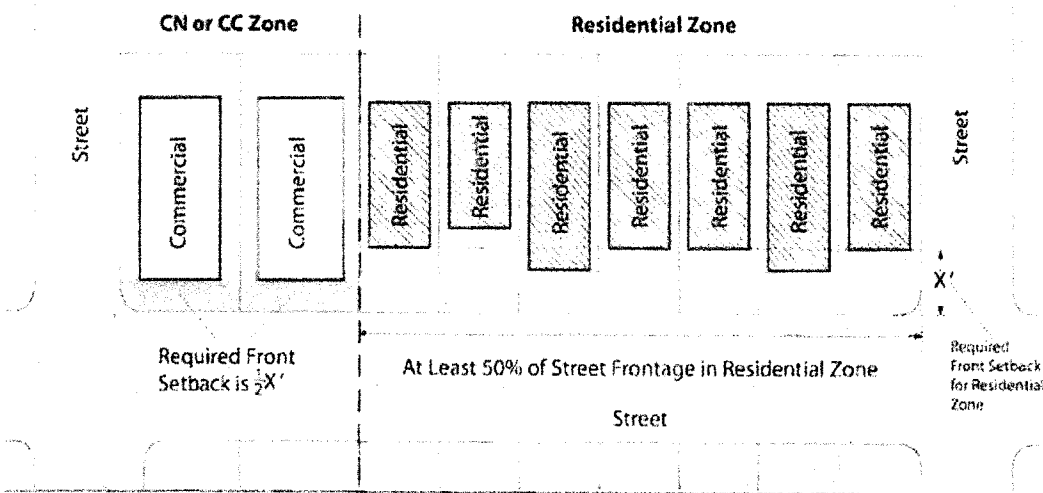
Table 17.33.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum Lot Dimensions					
Lot Width Mean	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	1
Minimum/Maximum Setbacks					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front	10 ft.	10 ft.	10 ft.	None	3
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	4, 5
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	6
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
Design Regulations					
Minimum ground floor nonresidential facade transparency	65%	65%	65%	None	9
Minimum height of ground floor Nonresidential Facilities	15-12 ft.	15-12 ft.	15-12 ft.	15-12 ft.	10
Minimum separation between the grade and ground floor living space	—	—	2.5 ft.	2.5 ft.	11
Parking and driveway location requirements	Yes	Yes	Yes	No	12
Ground floor active space requirement	Yes	Yes	Yes	No	13
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.33.04				
Minimum required parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
Courtyard regulations	See Section 17.108.120				

Additional Regulations for Table 17.33.03:

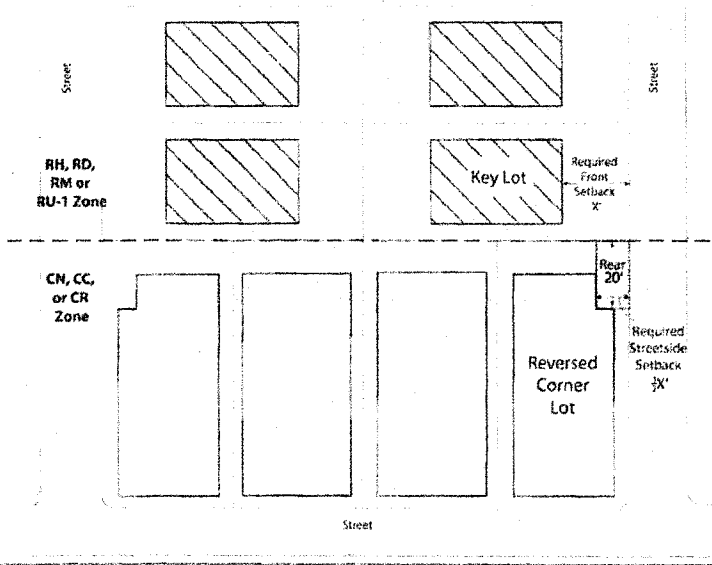
1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half ($\frac{1}{2}$) of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half ($\frac{1}{2}$) of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.33.03 [Additional Regulation 2]). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03 [Additional Regulation 2]
 *for illustration purposes only



4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in a RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, ~~or the RU-1 zone,~~ the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

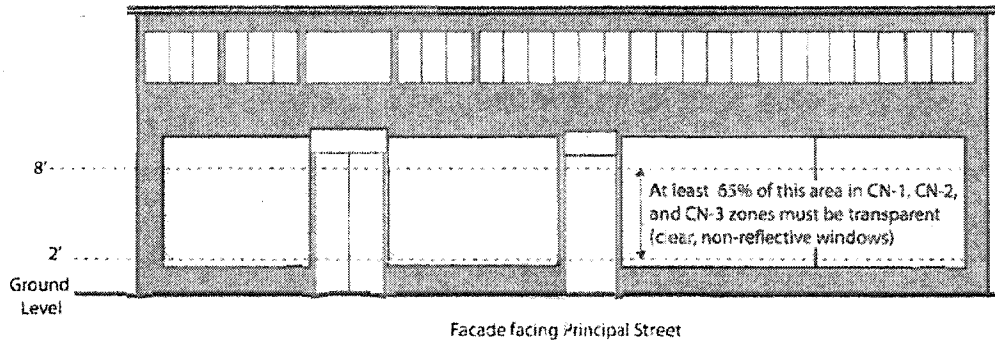
Illustration for Table 17.33.03 [Additional Regulation 6]
 *for illustration purposes only



8. When a rear lot line is adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 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 Zzone, ~~or the RU-1 zone~~, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

9. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, nonreflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.33.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.33.03 [Additional Regulation 9]
 *for illustration purposes only



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

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

12. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 Zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

13. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 Zones, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 12, above.

B. **Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.33.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

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

Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
Maximum Height	35 ft.	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	1, 2
Height Minimum							
Permitted height minimum	N/A 0 ft	N/A 0-ft	N/A 0-ft	35 ft.	35 ft.	35 ft.	3

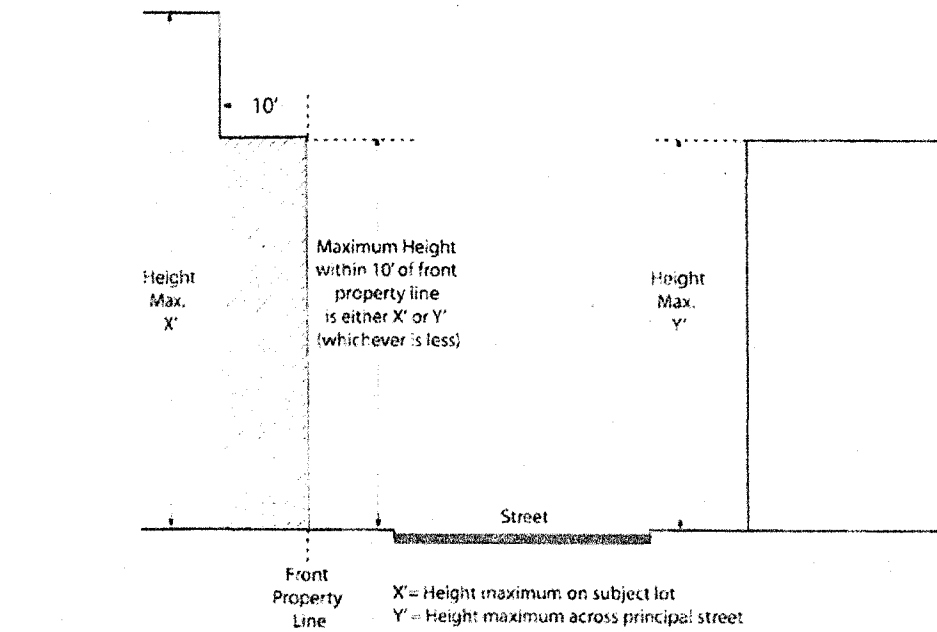
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Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
Conditionally permitted height minimum	N/A	N/A	N/A ft	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular units	550	Same density regulations as abutting RH, RD, or RM Zzone	450	<u>350</u> 375	<u>250</u> 275	225	4, 5, 6
Rooming units	275	Same density regulations as abutting RH, RD, or RM Zzone	225	<u>175</u> 185	<u>125</u> 135	110	4, 5, 6
Maximum Nonresidential FAR	2.0	NA	2.5	3.0	4.0	4.0	4, 5, 6
Maximum Number of Stories (not including underground construction)	3	3	4	5	7	8	
Usable Open Space (square feet per residential unit)							
Group usable open space per regular unit	150	Same density regulations as abutting RH, RD, or RM Zzone	150	150	150	100	6, 7
Group usable open space per regular unit when private open space substituted	30	Same density regulations as abutting RH, RD, or RM Zzone	30	30	30	20	6, 7
Group usable open space per Rooming unit	75	Same density regulations as abutting RH, RD, or RM Zzone	75	75	75	50	6, 7
Group usable open space per rooming unit when private open space is substituted	15	Same density regulations as abutting RH, RD, or RM Zzone	15	15	15	10	6, 7

Additional Regulations for Table 17.33.04:

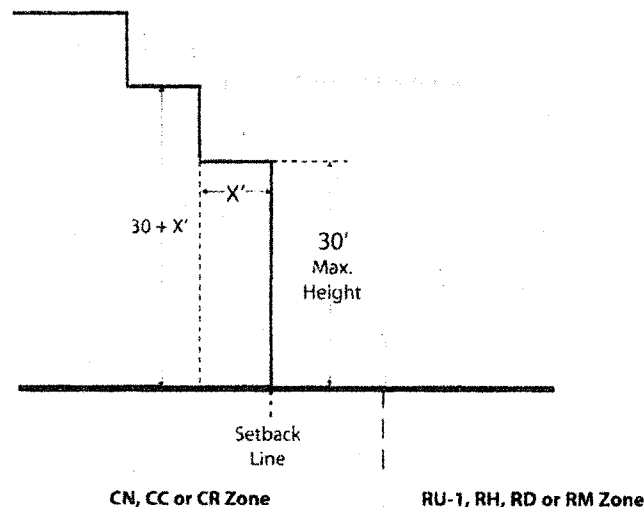
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.33.04 [Additional Regulation 1], below).

Illustration for Table 17.33.04 [Additional Regulation 1]
 *for illustration purposes only



2. 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 an RH, RD, or RM or RU-1 or Zzone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.33.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.33.04 [Additional Regulation 2]
 *for illustration purposes only



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

additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

6. In the 35* height area, residential developments are subject to the same residential density and open space regulations as the adjacent RH, RD, or RM Zzone. When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.33.060 Special regulations for Mmini-Llot and Planned Unit Developments.

- A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain regulations that apply to individual lots in the CN Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CN Zzones, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.33.070 Other zoning provisions.

- A. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CN Zzones.
- D. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in CN Zzones.

Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS**Sections:**

17.35.010 Title, intent, and description.

17.35.030 Permitted and conditionally permitted activities.

17.35.040 Permitted and conditionally permitted facilities.

17.35.050 Property development standards.

17.35.060 Special regulations for mini-lot and Planned Unity Developments.

17.35.070 Other zoning provisions.

17.35.010 Title, intent, and description.

- A. Intent. The provisions of this Chapter shall be known as the CC Community Commercial (~~CC~~) Zones Regulations. The intent of the Community Commercial (CC) Zones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. These regulations shall apply to the CC Zones.
- B. Description of Zones. This Chapter establishes land use regulations for the following three (3) zones:
 1. **CC-1 Community Commercial - 1 Zone.** ~~-1-~~ The CC-1 Zzone is intended to create, maintain, and enhance shopping centers and malls with a wide range of consumer businesses.
 2. **CC-2 Community Commercial - 2 Zone.** ~~-2-~~ The CC-2 Zzone is intended to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas.
 3. **CC-3 Community Commercial - 3 Zone.** ~~-3-~~ The CC-3 Zzone is intended to create, maintain, and enhance areas with a wide range of ~~heavy~~ commercial and service activities.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.35.030 Permitted and conditionally permitted activities.

Table 17.35.01 lists the permitted, conditionally permitted, and prohibited activities in the CC Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.35.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Activities				
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)(L4)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)(L4)	17.103.010
Service-Enriched Permanent Supportive Housing	P C(L1)(L2)(L3)	P C(L1)(L2)(L3)	C(L1)(L3)(L4)	17.103.010
Transitional Housing	P C(L1)(L2)(L3)	P C(L1)(L2)(L3)	C(L1)(L3)(L4)	17.103.010
Emergency Shelter	C(L1)(L3)	P(L4)	P(L4)	17.103.010
Semi-Transient	—	—	—	
Bed and Breakfast	C	C	C(L15)	<u>17.10.125</u>
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	C	
Community Assembly	C	C	C	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	P	P	P	
Health Care	P	P	P	
Special Health Care	C(L5)	C(L5)	C(L5)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	17. 17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030

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Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
				and 17.114.030
Mechanical or Electronic Games	C	C	C	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L6)	P(L6)	P(L6)	
Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C(L7)	C(L7)	C(L7)	17.103.040
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	—	—	P(L11)	
Transient Habitation	—	—	—	
Building Material Sales	—	—	P(L11)	
Automobile and Other Light Vehicle Sales and Rental	C	P(L9)	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L10)	C(L10)	P	
Taxi and Light Fleet-Based Services	—	—	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	P	P	P	

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Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	C	C	P	
Light Manufacturing	—	C	P(L11)	
General Manufacturing	—	—	—	
Heavy/High Impact	—	—	—	
Research and Development	—	—	—	
Construction Operations	—	—	—	
Warehousing, Storage, and Distribution				
A. General Warehousing, Storage and Distribution	—	—	P(L11)	
B. General Outdoor Storage	—	—	—	
C. Self_ or Mini_Storage	—	—	—	
D. Container Storage	—	—	—	
E. Salvage/Junk Yards	—	—	—	
Regional Freight Transportation	—	—	—	
Trucking and Truck-Related	—	—	—	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	
Agriculture and Extractive Activities				
Limited Agriculture	P(L12)	P(L12)	P(L12)	
Extensive Agriculture	C(L13)	C(L13)	C(L13)	
Plant Nursery	C	C	C	
Mining and Quarrying	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	17.102.110

Limitations on Table 17.35.01:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L2. Except as indicated in Subsection a. below, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building.

- a. Buildings not located within twenty (20) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this Conditional Use Permit requirement.

L3. See Section 17.35.040 for limitations on the construction of new Residential Facilities.

L4. Emergency shelters are permitted by-right within those portions of San Pablo Avenue and Webster Street corridors described in Section 17.103.015(A)(2)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L3 above. All other Residential Activities, except as specified in Limitation L15 for Bed and Breakfast Residential Activities, are prohibited in the CC-3 Zone.

L5. 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 ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L8. 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.

L13. 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 general use permit criteria contained in Section 17.134.050, as well as the following additional 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.

L14. Transient Habitation Commercial Activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This activity must meet the general use permit criteria contained in Section 17.134.050 and the additional use permit criteria in Section 17.103.050.

L15. In the CC-3 Zone, these activities may only be located in an existing Residential Facility that was built prior to the effective date of this Chapter. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.35.040 Permitted and conditionally permitted facilities.

Table 17.35.02 lists the permitted, conditionally permitted, and prohibited facilities in the CC Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Facilities				
One-Family Dwelling	—(L1)	—(L1)	—(L1)(L7)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)(L7)	17.103.080
Two-Family Dwelling	P(L2)	P(L3)	—(L7)	
Multifamily Dwelling	P(L2)	P(L3)	—(L7)	
Rooming House	P(L2)	P(L3)	—(L7)	
Mobile Home	—	—	—	
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	P(L6)	P(L6)	P(L6)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	C	C	
Drive-Through	C(L4)	C(L4)	C(L4)	
Telecommunications Facilities				
Micro Telecommunications	P(L5)	P(L5)	P(L5)	17.128

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Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Mini Telecommunications	P(L5)	P(L5)	P(L5)	17.128
Macro Telecommunications	C	C	C	17.128
Monopole Telecommunications	C	C	C	17.128
Tower Telecommunications	—	—	—	17.128
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

Limitations on Table 17.35.02:

L3. Except as indicated in Subsection a. below, construction of new ground floor Residential Facilities is not permitted:

- a. Buildings not located within twenty (20) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement.

L5. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

L6. For the CC Zones, ~~in the West Oakland District (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), no Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

L7. All new Residential Facilities are prohibited in the CC-3 Zone, except those serving a permitted or conditionally permitted Emergency Shelter Activity as indicated in Table 17.35.01.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.35.050 Property development standards.

- A. Zone Specific Standards. Table 17.35.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

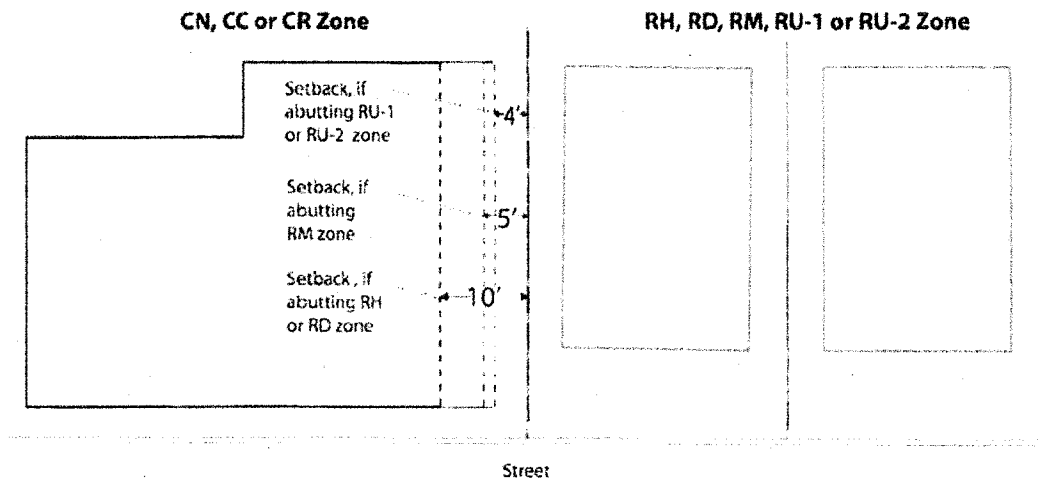
Table 17.35.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum Lot Dimensions				
Lot Width mean	50 ft.	25 ft.	25 ft.	1
Frontage	50 ft.	25 ft.	25 ft.	1
Lot area	7,500 sf.	4,000 sf.	4,000 sf.	1
Minimum/Maximum Setbacks				
Minimum front	0 ft.	0 ft.	0 ft.	2
Maximum front	N/A	10 ft.	N/A	3
Minimum interior side	0 ft.	0 ft.	0 ft.	4, 5
Minimum street side	0 ft.	0 ft.	0 ft.	6
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
Design Regulations				
Minimum ground floor nonresidential facade transparency	N/A	55%	N/A	9
Minimum height of ground floor Nonresidential Facilities	N/A	15-12 ft.	N/A	10
Parking and driveway location requirements	No	Yes	No	11
Ground floor active space requirement	No	Yes	No	12
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.35.04			
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking			
Courtyard Regulations	See Section 17.108.120			

Additional Regulations for Table 17.35.03:

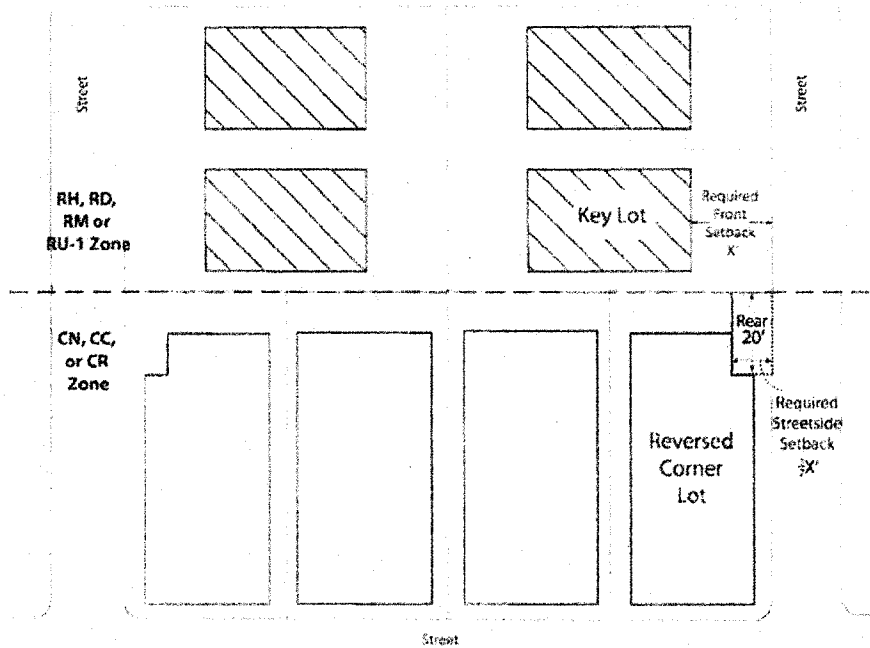
1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.35.03 [Additional Regulation 2], below).
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.35.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.35.03 [Additional Regulation 4]
*for illustration purposes only



6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, ~~or the RU-1 zone~~, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 64], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

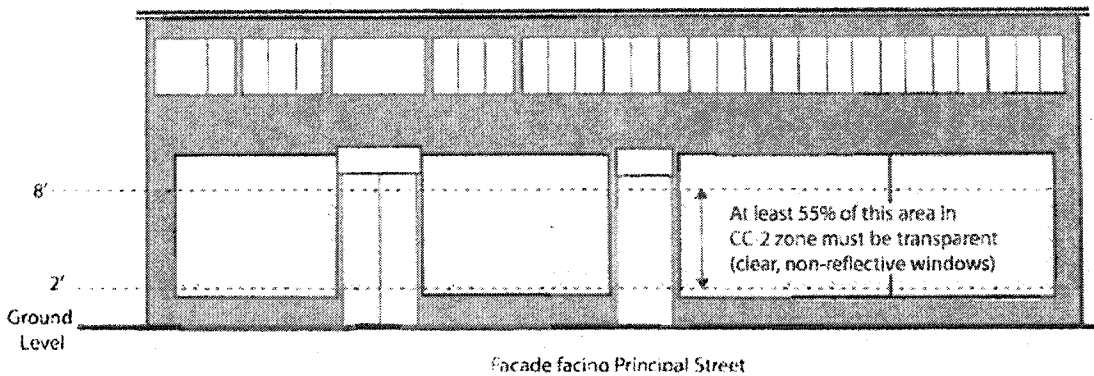
Illustration for Table 17.35.03 [Additional Regulation 6]
 *for illustration purposes only



8. When a rear lot line is adjacent to an RH, RD, or RM Zone, or RU-1 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, or RU-1 zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

9. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to facades facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.35.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.35.03 [Additional Regulation 9]
*for illustration purposes only



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

11. For the construction of new principal buildings in the CC-2 Zzone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

12. For the construction of new principal buildings in the CC-2 Zzone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of the principal street except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for non-active spaces that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 11, above.

C. **Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.35.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

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

Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
Maximum Height	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	160 ft.	1, 2
Height Minimum								
Permitted height minimum	N/A 0-ft	N/A 0-ft	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3

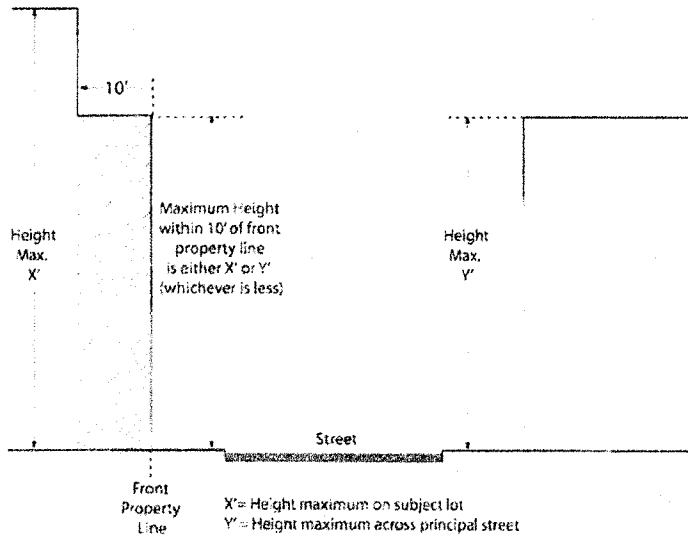
OAKLAND

Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
Conditionally permitted height minimum	N/A	N/A	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)								
Regular units	550	450	<u>350</u> <u>375</u>	<u>250</u> <u>275</u>	225	225	225	4, 5, <u>7</u>
Rooming units	275	225	<u>175</u> <u>185</u>	<u>125</u> <u>135</u>	110	110	110	4, 5, <u>7</u>
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.5	5.0	5.0	4, 5, <u>7</u>
Maximum number of stories (not including underground construction)	3	4	5	7	8	11	15	
Minimum Usable Open Space								
Group usable open space per regular unit	150	150	150	150	100	100	100	6
Group usable open space per regular unit when private open space substituted	30	30	30	30	20	20	20	6
Group usable open space per rooming unit	75	75	75	75	50	50	50	6
Group usable open space per rooming unit when private open space is substituted	15	15	15	15	10	10	10	6

Additional Regulations for Table 17.35.04:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.35.04 [Additional Regulation 1], below).

Illustration for Table 17.35.04 [Additional Regulation 1]
 *for illustration purposes only



2. 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 an RH, RD, or RM Zone; ~~or RU-1 zone~~; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.35.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings in the CC-1 Zone and buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

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

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

7. The number of living units and/or amount of Floor-Area Ratio (FAR) permitted by Table 17.35.04 may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in the following situation:

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.35.060 Special regulations for Mmini-Llot and Planned Unit Developments.

- A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain regulations that apply to individual lots in the CC Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CC Zones, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.35.070 Other zoning provisions.

- A. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~
- B. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CC Zones.
- D. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the CN Zones.
- E. **Landscaping and Screening Standards.** The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the CC Zones.
- F. **Buffering.** All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS**Sections:**

17.37.010 Title, intent, and description.

17.37.030 Permitted and conditionally permitted activities.

17.37.040 Permitted and conditionally permitted facilities.

17.37.050 Property development standards.

17.37.060 Special regulations for mini-lot and Planned Unity Developments.

17.37.070 Other zoning provisions.

17.37.010 Title, intent, and description.

The provisions of this Chapter shall be known as the CR_4 Regional Commercial (CR) Zones Regulations. The intent of the Regional Commercial (CR)_4 Zones is to maintain, support and create areas of the City that serve as region-drawing centers of activities.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.37.030 Permitted and conditionally permitted activities.

Table 17.37.01 lists the permitted, conditionally permitted, and prohibited activities in the CR_4 Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.37.01: Permitted and Conditionally Permitted Activities

Activities	Zone	Additional Regulations
	CR-1	
Residential Activities		
Permanent	—	
Residential Care	—	
Service-Enriched PermanentSupportive Housing	—	
Transitional Housing	—C(L1)	17.103.010

OAKLAND

Activities	Zone CR-1	Additional Regulations
Emergency Shelter	C(L1)	17.103.010
Semi-Transient	C(L1)	
Bed and Breakfast	—	17.10.125
Civic Activities		
Essential Service	P	
Limited Child-Care Activities	P	
Community Assembly	P	
Recreational Assembly	P	
Community Education	C	
Nonassembly Cultural	P	
Administrative	P	
Health Care	C	
Special Health Care	C(L2)	17.103.020
Utility and Vehicular	C	
Extensive Impact	C	
Commercial Activities		
General Food Sales	P	
Full Service Restaurants	P	
Limited Service Restaurant and Cafe	P	
Fast-Food Restaurant	C	17.103.030 and 8.09
Convenience Market	C	17.103.030
Alcoholic Beverage Sales	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	
Medical Service	P	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L3)	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P(L4)	

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Activities	Zone	Additional Regulations
	CR-1	
Consumer Dry Cleaning Plant	C	
Group Assembly	C(L6)	
Personal Instruction and Improvement Services	P	
Administrative	P	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Research Service	P	
General Wholesale Sales	C	
Transient Habitation	C	17.103.050
Building Material Sales	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	P(L4)	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L4)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L4)	
Taxi and Light Fleet-Based Services	P(L4)(L5)	
Automotive Fee Parking	—(L7)	
Animal Boarding	C	
Animal Care	P	
Undertaking Service	—	
Industrial Activities		
Custom Manufacturing	P(L4)	
Light Manufacturing	P(L4)	
General Manufacturing	C(L4)(L5)	
Heavy/High Impact	—	
Research and Development	P	
Construction Operations	—	
Warehousing, Storage, and Distribution-Related		
A. General Warehousing, Storage and Distribution	P(L4)(L5)	
B. General Outdoor Storage	C(L4)(L5)	
C. Self- or Mini-Storage	C(L4)(L5)	
D. Container Storage	C(L4)(L5)	
E. Salvage/Junk Yards	—	

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Activities	Zone	Additional Regulations
	CR-1	
Regional Freight Transportation	C(L4)(L5)	
Trucking and Truck-Related	C(L4)(L5)	
Recycling and Waste-Related		
A. Satellite Recycling Collection Centers	C(L4)	
B. Primary Recycling Collection Centers	C(L4)(L5)	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	—	
Agriculture and Extractive Activities		
Limited Agriculture	P(L4)(L8)	
Extensive Agriculture	C(L4)(L9)	
Plant Nursery	C(L4)	
Mining and Quarrying	—	
Accessory off-street parking serving prohibited activities	P	17.116.075
Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	17.102.110

Limitations on Table 17.37.01:

L1. ~~No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding this activity.~~
~~these activities.~~

L2. 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 ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L6. No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

17.37.040 Permitted and conditionally permitted facilities.

Table 17.37.02 lists the permitted, conditionally permitted, and prohibited facilities in the CR ~~4~~4~~Z~~Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.37.02: Permitted and Conditionally Permitted Facilities

Facilities	Zone	Additional Regulations
	CR-1	
Residential Facilities		
One-Family Dwelling	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	
Two-Family Dwelling	—(L1)	
Multifamily Dwelling	—(L1)	
Rooming House	—(L1)	
Mobile Home	—(L1)	
Nonresidential Facilities		
Enclosed Nonresidential	P	
Open Nonresidential	P	
Sidewalk Cafe	P	17.103.090
Drive-In	C	
Drive Through	C	
Telecommunications Facilities		
Micro Telecommunications	P(L2)	17.128
Mini Telecommunications	P(L2)	17.128
Macro Telecommunications	C	17.128
Monopole Telecommunications	C	17.128
Tower Telecommunications	—	17.128
Sign Facilities		
Residential Signs	P	17.104
Special Signs	P	17.104
Development Signs	P	17.104
Realty Signs	P	17.104
Civic Signs	P	17.104
Business Signs	P	17.104

Facilities	Zone	Additional Regulations
	CR-1	
Advertising Signs	—	17.104

Limitations for Table 17.37.02:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

L2. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13166, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.37.050 Property development standards.

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

Table 17.37.03: Property Development Standards

Development Standards	CR-1 <u>Z</u> one	Additional Regulations
Minimum Lot Dimensions		
<u>Lot</u> Width mean	50 ft.	1
Frontage	50 ft.	1
Lot area	7,500 sf.	1
Minimum/Maximum Setbacks		
Minimum front	0/10 ft. 20 feet on parcels facing a right of way of 100 ft or more; 10 feet on parcels facing a right of way that is less than 100 feet wide.	2
Minimum interior side	0 ft.	3
Minimum street side	0 ft.	4
Rear	0/10/15 ft.	5
Height and Floor Area Ratio Regulations	See Table 17.37.04	
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking	

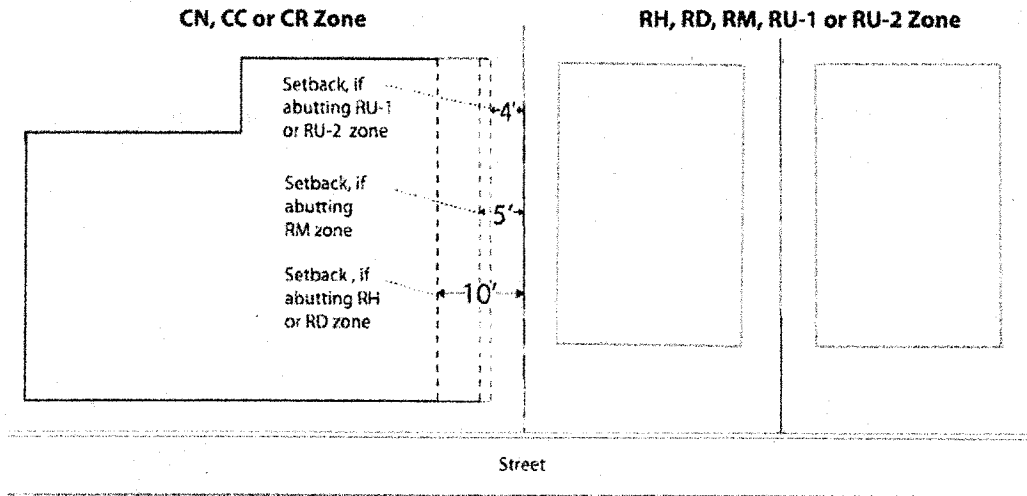
Additional Regulations for Table 17.37.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.

2. ~~Hegenberger Road, 98th Avenue, and Edgewater Drive each have a right-of-way width of one hundred (100) feet or more. A minimum front yard setback area of ten (10) feet shall apply, except for retail or similar facilities oriented toward pedestrian activity. When the facility is intended for retail or similar pedestrian-oriented activities, there is no required front yard setback.~~ This minimum front yard setback area, where applicable, shall, except for necessary driveways, walkways, and allowable Ssigns, be developed as open landscaped areas with a combination of lawn and/or ground cover, garden, shrubs, trees, and or decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. Further, if fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Rresidential Zzone and all or part of the remaining frontage is in any Commercial or Industrial Zzone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the Rresidential Zzone. If fifty percent (50%) or more of the total frontage is in more than one Rresidential Zzone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the Rresidential Zzone with the lesser front setback.

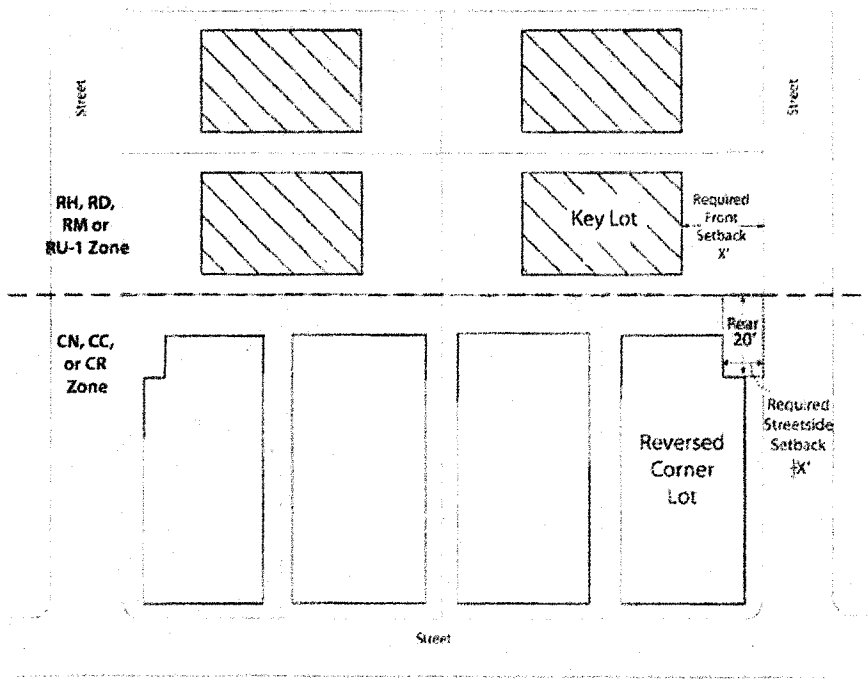
3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zzone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zzone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.37.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03 [Additional Regulation 3]
*for illustration purposes only



4. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot. (see Illustration for Table 17.37.03 [Additional Regulation 4], below) Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03 [Additional Regulation 4]
*for illustration purposes only



5. When a rear lot line is adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 zone~~, the required rear setback is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 zone~~, there is no required setback.

B. **Height and Floor Area Ratio (FAR).** Table 17.37.04 below prescribes height and FAR standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.37.04 Height, Floor Area Ratio (FAR), and Open Space Regulations

Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
Maximum Height	35 feet	45 feet	60 feet	75 feet	90 feet	120 feet	160 feet	1
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4.0	
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	11	15	

Additional Regulations for Table 17.37.04:

1. The height of all structures is subject to Federal Aviation Administration regulations. Also, 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, ~~or RU-1 zone~~; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.37.04 [Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

17.37.060 Special regulations for Mmini-Llot and Planned Unit Ddevelopments.

- A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain regulations that apply to individual lots in the CR Zzones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CR Zzones, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.37.070 Other zoning provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CR Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CR GN-Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the CR Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS

Sections:

- 17.54.010 Title, purpose, and applicability.
- 17.54.050 Permitted activities.
- 17.54.060 Conditionally permitted activities.
- 17.54.070 Permitted facilities.
- 17.54.080 Conditionally permitted facilities.
- 17.54.130 Maximum residential density.
- 17.54.140 Maximum nonresidential Floor-Area Ratio.
- 17.54.160 Minimum yards and courts.
- 17.54.180 Buffering and landscaping.
- 17.54.190 Special regulations for mini-lot and Planned Unit Ddevelopments.
- 17.54.200 Other zoning provisions.

17.54.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the C-40 Community Thoroughfare Commercial Zone Regulations. The Community Thoroughfare Commercial (C-40) Zzone is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares. These regulations shall apply in the C-40 Zzone.

(Prior planning code § 4550)

17.54.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency shelters are permitted by-right within the area surrounding the Third Street corridor described in Section 17.103.015(A)(5) and

subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

E. Agricultural and Extractive Activities:

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

17.54.060 Conditionally permitted activities.

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

A. Residential Activities:

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

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

Emergency Shelter

C. Commercial Activities:

Check Cashier and Check Cashing

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Mechanical or Electronic Games

Group Assembly

Personal Instruction and Improvement Services and ~~Small Scale Entertainment~~

Transient Habitation

Animal Care

Animal Boarding

Undertaking Service

17.54.070 Permitted facilities.

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

D. Telecommunications Facilities:

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12224 § 4 (part), 2000; Ord. 12021 § 3, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4555)

17.54.080 Conditionally permitted facilities.

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

C. Telecommunications Facilities:

Macro Telecommunications

Monopole Telecommunications

(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.42 (part), 1996; prior planning code § 4556)

17.54.130 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270_B and a Secondary Unit.

A. **Basic Density.** One regular dwelling unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. One efficiency dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred twenty-five (225) square feet or more is obtained after division of the lot area by three hundred (300) square feet. The maximum number of rooming units shall be one for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. **Density Bonuses.** The number of living units allowed by Subsection A of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a

conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

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

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 4565)

17.54.140 Maximum nonresidential Ffloor-Aarea Rratio.

The maximum Ffloor-Aarea Rratio (FAR) of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum FAR floor-area ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio. The maximum permitted Ffloor-Aarea Rratio is 3.00, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- B. Conditionally Permitted Floor-Area Ratio. The Ffloor-Aarea Rratio permitted by Subsection A of this Section may be increased by not to exceed fifty percent (50%) upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4567)

17.54.160 Minimum yards and courts.

No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

- A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zone.
- B. Side Yard—Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a Residential Zone.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4570)

17.54.180 Buffering and landscaping.

- B. Landscaping for Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities. One and one-half percent of the lot area devoted to Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities shall be developed with lawn, ground cover, garden, or shrubs, and one street tree shall be provided for each one hundred (100) feet of street line abutting the lot, subject to the standards for required landscaping and screening in Chapter 17.124.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 4572)

17.54.190 Special regulations for Mmini-Llot and Planned Unity Developments.

- A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain of the regulations otherwise applying to individual lots in the C-40 Zzone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unity Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-40 Zzone, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 4573)

17.54.200 Other zoning provisions.

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-40 Zzone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in C-40 Zzone.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12884 § 2 (part), 2008; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4574)

Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

Sections:

17.56.010 Title, purpose, and applicability.

17.56.050 Permitted activities.

17.56.060 Conditionally permitted activities.

17.56.070 Permitted facilities.

17.56.080 Conditionally permitted facilities.

17.56.100 Special regulations applying to Fast-Food Restaurants, Convenience Markets, and certain establishments selling alcoholic beverages.

17.56.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.

17.56.130 Minimum lot area, width, and frontage.

17.56.140 Maximum residential density.

17.56.150 Maximum Floor-Area Ratio.

17.56.170 Minimum yards and courts.

17.56.200 Special regulations for mini-lot and Planned Unit Developments.

17.56.210 Other zoning provisions.

17.56.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the C-45 Community Shopping Commercial Zone Regulations. The Community Shopping Commercial (C-45) Zzone is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares. These regulations shall apply in the C-45 Zzone.

(Prior planning code § 4600)

17.56.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

Semi-Transient

C. Commercial Activities:

Group Assembly, permitted outright on parcels facing Broadway, or when the total floor area devoted to the Activity on parcels not facing Broadway does not exceed seven thousand five hundred (7,500) square feet; conditionally permitted if the Activity is larger in floor area on parcels not facing Broadway (see Chapter 17.134 for the CUP procedure

Personal Instruction and Improvement Services

E. Agricultural and Extractive Activities:

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

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.32 (part), 1996; prior planning code § 4603)

17.56.060 Conditionally permitted activities.

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

A. Residential Activities:

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

Service-Enriched Permanent Housing

Transitional Housing

Emergency Shelter

C. Commercial Activities:

Group Assembly

Personal Instruction and Improvement and Small Scale Entertainment

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12626 § 4 (part), 2004; Ord. 12450 § 10, 2002; Ord. 12138 § 5 (part), 1999; prior planning code § 4604)

17.56.070 Permitted facilities.

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

D. Telecommunications Facilities:

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12224 § 4 (part), 2000; Ord. 12021 § 4, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4605)

17.56.080 Conditionally permitted facilities.

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

B. Telecommunications Facilities:

Macro Telecommunications

Monopole Telecommunications

(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.41 (part), 1996; prior planning code § 4606)

17.56.130 Minimum lot area, width, and frontage.

Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width mean is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4614)

17.56.140 Maximum residential density.

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

- A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three

hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

- B. Conditionally Permitted Density. The number of living units permitted by Subsection A of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:
1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
 2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-16-2011; Ord. 12776 § 3, Exh. A (part), 2006; prior planning code § 4615)

17.56.150 Maximum Floor-Area Ratio.

The maximum Floor-Area Ratio (FAR) of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio. The maximum permitted Floor-Area Ratio is 7.00, except that this ratio may be exceeded:
1. By ten percent (10%) on any corner lot; and
 2. By ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot; and
 3. In the case of a Nonresidential Facility, by not to exceed fifteen percent (15%) if one (1) square foot of plaza, conforming to the provisions of Section 17.126.050, is provided for each seven (7) square feet of additional floor area.
- B. Conditionally Permitted Floor-Area Ratio. The Floor-Area Ratio permitted by Subsection A of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:
1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions in Section 17.106.040;

2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4617)

17.56.170 Minimum yards and courts.

No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

- A. **Front Yard.** A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zzone.
- B. **Side Yard—Street Side of Corner Lot.** A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a Residential Zzone.
- C. **Side Yard—Interior Lot Line.**
 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.
 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. **Rear Yard.**
 1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.
 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.
- E. **Courts.** On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

(Prior planning code § 4620)

17.56.200 Special regulations for Mini-Lot and Planned Unity Developments.

- A. **Mini-Lot Developments.** In Mini-Lot Developments, certain of the regulations otherwise applying to individual lots in the C-45 Zzone may be waived or modified when and as prescribed in Section 17.102.320.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unity Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-45 Zzone, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. 12872 § 4 (part), 2008; prior planning code § 4623)

17.56.210 Other zoning provisions.

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-45 Zzone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in C-45 Zzone.

(Ord. 12884 § 2 (part), 2008; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4624)

Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS ^[25]

Sections:

- 17.58.010 Title, purpose, and applicability.
- 17.58.020 Required design review process.
- 17.58.030 Conditional use permit for large-scale projects.
- 17.58.040 Permitted and conditionally permitted activities.
- 17.58.050 Permitted and conditionally permitted facilities.
- 17.58.060 Property development standards.
- 17.58.070 Usable open space standards.
- 17.58.080 Other zoning provisions.

17.58.010 Title, purpose, and applicability.

- A. Intent. The provisions of this Chapter shall be known as the CBD Central Business District Zones Regulations. The intent of the Central Business District (CBD) Zones regulations is to:
 - 1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.
 - 2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.
 - 3. Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.
 - 4. Encourage and enhance a pedestrian-oriented streetscape.
 - 5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.
 - 6. Preserve and enhance distinct neighborhoods in the Central Business District.
- B. Description of zones. This Chapter establishes land use regulations for the following four (4) zones:
 - 1. **CBD-R Central Business District Residential Zone.** The intent of the CBD-R Zzone is to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses.
 - 2. **CBD-P Central Business District Pedestrian Retail Commercial Zone.** The intent of the CBD-P Zzone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

3. **CBD-C Central Business District General Commercial Zone.** The intent of the CBD-C Zzone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.
4. **CBD-X Central Business District Mixed Commercial Zone.** The intent of the CBD-X Zzone is to designate areas of the Central Business District appropriate for a wide range of upper-story and ground-level residential, commercial, and compatible light industrial activity.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

17.58.020 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

(Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

17.58.030 Conditional use permit for large-scale projects.

No development that involves more than two hundred thousand (200,000) square feet of new floor area, ~~or a new building or portion thereof of more than two hundred fifty (250) feet in height,~~ shall be permitted except upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the Planned Unity Development procedure (see Chapter 17.140 for the PUD procedure).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

17.58.040 Permitted and conditionally permitted activities.

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD ~~CBD-R, CBD-P, CBD-C and CBD-X~~ Zzones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.58.01: Permitted and Conditionally Permitted Activities

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
<u>Residential Activities</u>					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	17.103.010
Service-Enriched Permanent <u>Supportive</u> Housing	PG(L2)	PG(L1)(L2)	PG(L1)(L2)	PG	17.103.010
Transitional Housing	PG(L2)	PG(L1)(L2)	PG(L1)(L2)	PG	17.103.010
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	17.103.010
Semi-Transient	C	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	17.10.125
<u>Civic Activities</u>					
Essential Service	P(L17)	P(L17)	P(L17)	P(L17)	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	
Community Assembly	C	C(L6)	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	
Special Health Care	—	C(L6)(L8)	C(L8)	C(L8)	17.103.020
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
<u>Commercial Activities</u>					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Cafe	P(L4)(L7)	P	P	P	
Fast-Food Restaurant	—	C	C	C	17.103.030 and 8.09

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Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Convenience Market	C(L7)	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L4)(L7) (L9)	P(L4)(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	
Broadcasting and Recording Services	—	P(L5)	P	P(L4)	
Commercial Activities					
Research Service	P(L4)(L7)	P(L5)	P	P	
General Wholesale Sales	—	—	—	C	
Transient Habitation	C	C(L6)	P	C	17.103.050
Building Material Sales	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	C(L13)	C(L13)	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	C(L13)	C(L13)	
Automotive Fee Parking	C(L14)	C(L14)	C(L14)	C(L14)	

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Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Animal Boarding	—	—	—	—	
Animal Care	—	C(L6)	C	C	
Undertaking Service	—	—	C	C	
Industrial Activities					
Custom Manufacturing				C(L13)	
Light Manufacturing				C(L13)	
General Manufacturing				—	
Heavy/High Impact	—	—	—	—	
Research and Development	—	—	C(L13)	C(L13)	
Construction Operations	—	—	—	—	
Warehousing, Storage, and Distribution-Related					
A. General Warehousing, Storage and Distribution	—	—	—	C(L13)	
B. General Outdoor Storage	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	C	C	
B. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	
Agricultural and Extractive Activities					
Limited Agriculture	P(L15)	P(L15)	P(L15)	P(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	—	—	—	—	
Mining and Quarrying	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.116.075

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	17.102.110

Limitations:

L1. These activities may not be located within thirty (30) feet of the front lot line on 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.

L2. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~**L2.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.~~

L5. If located both on the ground floor of a building and within thirty (30) feet of ~~from the front lot line, 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). 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 front lot line on the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in Note L5, above.

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

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

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

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

L17. Community Gardens are permitted ~~by~~ outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

17.58.050 Permitted and conditionally permitted facilities.

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the ~~CBD CBD-R, CBD-P, CBD-C, and CBD-X Zones.~~ The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwellings	(L1)	—	—	—	

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Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
One-Family Dwelling with Secondary Unit	P	—	—	—	17.103.080
Two-Family Dwelling	P	—	—	—	
Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
Mobile Home	—	—	—	—	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L3)	C(L3)	C(L3)	C(L3)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	—	—	—	C	
Drive-Through Nonresidential	—	—	—	C(L2)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	C	P	P	P	17.128
Mini Telecommunications	C	P	P	P	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

Limitations:

L3. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

17.58.060 Property development standards.

- A. **Zone Specific Standards.** Table 17.58.03 below prescribes development standards specific to individual zones. The number designations 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 that zone.

Table 17.58.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Minimum Lot Dimensions					
<u>Lot Width mean</u>	25 ft.	25 ft.	50 ft.	50 ft.	1
Frontage	25 ft.	25 ft.	50 ft.	50 ft.	1
Lot area	4,000 sf.	4,000 sf.	7,500 sf.	7,500 sf.	1
Minimum/Maximum Setbacks					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front and street side for the first story	N/A None	5 ft.	5 ft.	10 ft.	3
Maximum front and street side for the second and third stories or 35 ft., whatever is lower	N/A None	5 ft.	5 ft.	N/A None	3
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	4
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	
Rear	10 ft.	0 ft.	0 ft.	0 ft.	5
Design Regulations					
Ground floor commercial facade transparency	55%	65%	55%	55%	6
Minimum height of the ground floor	15 ft.	15 ft.	15 ft.	15 ft.	7
<u>Nonresidential Facilities</u>					
Minimum separation between the grade and ground floor living space	2.5 ft.	N/A Not Applicable	N/A Not Applicable	2.5 ft.	8

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty percent (50%) or more of the frontage on the same block and side of the street is in a Residential Zone.
3. The following notes apply to the maximum yard requirements:

a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.

b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities; Agricultural Activities, or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.

c. In the CBD-P, CBD-C, and CBD-X Zones, these maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of regular design review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section 17.136.050, the proposal must also meet each of the following criteria:

i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;

ii. The proposal will not impair a generally continuous wall of building facades;

iii. 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

iv. The proposal will not interfere with the movement of people along an important pedestrian street.

4. In the CBD-R Zone, portions of a building over fifty-five (55) feet in height shall have a setback of at least one (1) foot from the required interior side yard for every five (5) feet that portion is above fifty-five (55) feet. This setback, however, need not exceed forty (40) feet. Also, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally-required living room window. See Section 17.108.130 for allowed projections into required yards.

5. In the CBD-R Zone, portions of a building over fifty-five (55) feet shall setback at least one (1) foot from the required rear yard for every five (5) feet that portion is above fifty-five (55) feet. This regulation shall not apply when the rear yard faces a street. This setback, however, need not exceed forty (40) feet. The following other minimum rear yard setback regulations apply in all CBD Zones:

a. A minimum ten (10) foot rear yard setback is required whenever a rear lot line abuts any portion of a lot in a Residential Zone; and

b. See Section 17.108.130 for allowed projections into required yards.

6. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. On all other street facing facades, the requirement is one-half (½) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

7. This height is required for all new principal buildings and is measured from the sidewalk grade to the second story floor.

B. Design Standards Applying to All Zones. The following regulations apply to all of the zones:

1. **Entrance.** Newly constructed principal buildings shall have at least one prominent pedestrian entrance facing the principal street. Entrances at building corners facing the principal street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of projecting or recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for Nonresidential Facilities shall be at grade.
3. **Active Space Requirement.** For newly-constructed principal buildings, parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of the front lot line on ~~from the front of the~~ ground floor of the principal building except for incidental entrances to such activities elsewhere in the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Subsection (E4).

C. Height, Bulk, and Intensity. Table 17.58.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in Map 17.58A (see Section 17.58.080). 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 that zone.

Table 17.58.04 Height, Density, Bulk, and Tower Regulations

Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Maximum Density (Square Feet of Lot Area Required Per Unit)								
Dwelling unit	300	200	90	90	90	90	90	1,2
Rooming unit	150	100	45	45	45	45	45	1,2
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
Maximum Height								
Building base	<u>N/A</u> 55 ft	<u>N/A</u> 85 ft	55 ft.	85 ft.	85 ft.	85 ft.	<u>125 ft.</u> 120 ft	3
Total	<u>55 ft.</u> No tower permitted	<u>85 ft.</u> No tower permitted	<u>175 ft.</u> 170 ft	275 ft.	400 ft.	No height limit	No height limit	3

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Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Minimum Height								
New principal buildings	<u>N/A</u> None	<u>N/A</u> None	<u>35 ft.</u> None	45 ft.	45 ft.	45 ft.	45 ft.	4
Maximum Lot Coverage								
Building base (for each story)	<u>N/A</u> Not applicable	<u>N/A</u> Not applicable	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the building base	<u>N/A</u> Not applicable	<u>N/A</u> Not applicable	<u>65%</u> 50% of site area or <u>15,000</u> 7,500-sf., whichever is greater	75% of site area or <u>15,000</u> 10,000-sf., whichever is greater	75% of site area or <u>15,000</u> 10,000-sf., whichever is greater	75% of site area or <u>15,000</u> 10,000-sf., whichever is greater	85% of site area or <u>15,000</u> 10,000-sf., whichever is greater	<u>5</u> <u>6</u>
Tower Regulations								
Maximum average area of floor plates	Not applicable	Not applicable	10,000-sf	15,000-sf	20,000-sf	25,000-sf	No maximum	6
Maximum tower elevation building length	<u>N/A</u> Not applicable	<u>N/A</u> Not applicable	<u>150</u> 115-ft.	150 ft.	175 ft.	195 ft.	No maximum	<u>5</u> , <u>6</u> <u>7</u>
Maximum diagonal length	<u>N/A</u> Not applicable	<u>N/A</u> Not applicable	<u>180</u> 145-ft.	180 ft.	210 ft.	235 ft.	No maximum	<u>6</u>
Minimum distance between towers on the same lot	<u>N/A</u> Not applicable	<u>N/A</u> Not applicable	40 ft.	40 ft.	40 ft.	40 ft.	No minimum	

Notes:

1. See Chapter 17.107 for affordable and senior housing density incentives. The number of living units and/or amount of Floor-Area Ratio (FAR) permitted by Table 17.58.04 may also

be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

2. For mixed use projects in the Central Business District (CBD) 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.

3. In Height Areas 4, 5, and 6, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right of way is greater than eighty-five (85) feet shall have a maximum base height equal to the width of that right of way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

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

~~5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:~~

~~a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is fifteen thousand (15,000) square feet and the 5th story of the other tower is twenty thousand (20,000) square feet, then the total floor area of the 5th story is thirty-five thousand (35,000) square feet.~~

~~b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen percent (15%) greater than the maximum average per story floor area above base.~~

~~c. A story that is more than fifteen percent (15%) less than the maximum average floor area is not included in the average per story floor area above the base.~~

~~6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:~~

~~a. The floor area of an individual tower floor plate cannot be more than fifteen percent (15%) greater than the maximum average tower floor plate.~~

~~b. An individual tower floor plate that is more than fifteen percent (15%) less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.~~

~~57. The following regulation applies to lots that both: 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two-thirds (2/3) the length of any east or west side property line.~~

6. 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

17.58.070 Usable open space standards.

- A. General. This Section contains the usable open space standards and requirements for residential development in the CBD Zones. These requirements shall supersede those in Chapter 17.126.
- C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:
1. Area. On each lot containing Residential Facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit.
 2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.58.05: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft. for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft.	
Rooftop	15 ft.	a
Courtyard	15 ft.	

Note:

a.4- Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

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

17.58.080 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CBD ~~CBD-R~~, ~~CBD-P~~, ~~CBD-C~~, and ~~CBD-X~~ zones.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CBD ~~CBD-R~~, ~~CBD-P~~, ~~CBD-C~~, and ~~CBD-X~~ zones.

(Ord. No. 13042, § 4(Exh. A), 10-19-2010)

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

- 17.65.010 Title, purpose, and applicability.
- 17.65.020 Required design review process.
- 17.65.030 Permitted, conditionally permitted, and prohibited activities.
- 17.65.040 Permitted and conditionally permitted facilities.
- 17.65.050 Reserved.
- 17.65.060 Minimum lot area width and frontage.
- 17.65.070 Maximum density.
- 17.65.080 Maximum floor area ratio.
- 17.65.090 Maximum density and Ffloor-Aarea Rratio for mixed use projects.
- 17.65.100 Maximum height.
- 17.65.110 Minimum yards and courts.
- 17.65.120 Minimum usable open space.
- 17.65.130 Landscaping, paving, and buffering.
- 17.65.140 Outdoor storage.
- 17.65.150 Special regulations for HBX work/live units.
- 17.65.160 Special regulations for HBX live/work units.
- 17.65.170 Special regulations for Mmini-Llot and Planned Unit Developments.
- 17.65.180 Other zoning provisions.

17.65.010 Title, purpose, and applicability.

The provisions of this Cchapter shall be known as the HBX Housing and Business Mix Commercial Zones Regulations. This Cchapter establishes land use regulations for the HBX-1, HBX-2, HBX-3, and HBX-4 Zzones.

The purposes of the Housing and Business Mix (HBX) Zzones are to:

- A. Allow for mixed use districts that recognize both residential and business activities;
- B. Establish development standards that allow residential and business activities to compatibly co-exist;
- C. Provide a transition between industrial areas and residential neighborhoods;
- D. Encourage development that respects environmental quality and historic patterns of development;
 - 1. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

Housing and Business Mix - 1 (HBX-1) Zone. The HBX-1 Zzone is intended to provide development standards that provide for the compatible coexistence of industrial and heavy commercial activities and medium density residential development. This zone recognizes the equal importance of housing and business.

Housing and Business Mix - 2 (HBX-2) Zone. The HBX-2 Zzone is intended to provide development standards for areas that have a mix of industrial, certain commercial and medium to high density residential development. This zone recognizes the equal importance of housing and business.

Housing and Business Mix - 3 (HBX-3) Zone. The HBX-3 Zzone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.

Housing and Business Mix - 4 (HBX-4) Zone. The HBX-4 Zzone is intended to provide development standards for live/work, work/live, and housing in areas with a strong presence of industrial and heavy commercial activities.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.020 Required design review process.

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- B. Conformance to the "HBX Design Guideline Manual" is required for any change to the exterior of a building that requires a building permit in the HBX Zzones.
- C. Where there is a conflict between the design review criteria contained in Section 17.136.070 the design objectives contained in the "HBX Design Guideline Manual" the design objectives in the "HBX Design Guideline Manual" shall prevail.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12772 § 1 (part), 2006)

* Editor's Note— The "HBX Design Guidelines Manual," referred to in this Chapter, is incorporated by reference as if fully set forth herein by Section 2 of Ordinance 12772. A copy of this manual is kept on file in the Oakland City Hall.

17.65.030 Permitted, conditionally permitted, and prohibited activities.

The following table lists the permitted, conditionally permitted, and prohibited activities in the HBX, Zzones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

"P" designates permitted activities in the corresponding zone.

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

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

"—" designates uses that are prohibited in the corresponding zone.

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Activities					
Permanent Residential	P	P	P	P	17.65.040
Residential Care	P(L1)	P(L1)	P(L1)	<u>P(L1)</u> C	17.103.010
Service-Enriched Permanent <u>Supportive</u> Housing	<u>P(L1)</u> C	<u>P(L1)</u> C	<u>P(L1)</u> C	<u>P(L1)</u> C	17.103.010
Transitional Housing	<u>P(L1)</u> C	<u>P(L1)</u> C	<u>P(L1)</u> C	<u>P(L1)</u> C	17.103.010
Emergency Shelter	C	P(L2)	C	C	17.103.010
Semi-Transient Residential	C	C	C	C	17.103.010
Bed and Breakfast	—	—	—	C	17.12.125
Civic Activities					
Essential Service	P(L16)	P(L16)	P(L16)	P(L16)	
Limited Child-Care	P	P	P	P	
Community Assembly	P(L3)	P(L3)	P(L3)	P(L3)	
Recreational Assembly	P(L3)	P(L4)	P(L4)	P(L4)	
Community Education	C	C	C	C	
Nonassembly Cultural	P(L4)	P(L4)	P(L4)	P(L4)	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	
Health Care	C	C	C	C	
Special Health Care	C(L6)	C(L6)	C(L6)	C(L6)	17.103.020
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities					
General Food Sales	P(L3)	P(L3)	P(L3)	P(L3)	
Full Service Restaurant	P(L5)	P(L5)	P(L5)	P(L3)	
Limited Service Restaurant and Cafe	P(L5)	P(L5)	P(L5)	P(L3)	
Fast-Food Restaurant	—	—	—	—	17.103.030
Convenience Market	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C	17.103.030

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Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Mechanical or Electronic Games	C	C	C	C	
Medical Service	P(L4)	P(L4)	P(L4)	P(L4)	
General Retail Sales	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L7)	P(L7)	P(L7)	P(L7)	
Consultative and Financial Service	P(L4)	P(L4)	P(L4)	P(L4)	
Check Cashier and Check Cashing	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	C	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	C	
Group Assembly	C(L8)	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	C	C	C	P	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	
Business, Communication, and Media Service	P	P	P	P	
Broadcasting and Recording Service	P	P	P	P	
Research Service	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
General Wholesale Sales	P(L4)	P(L4)	P(L4)	P(L4)	
Transient Habitation	—	—	—	C	17.103.050
Building Material Sales	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Automotive and other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L11)	—	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—(L11)	—	—	C(L9)	
Taxi and Light Fleet-Based Service	C	C	C	C	
Automotive Fee Parking	—	—	—	—	
Animal Boarding	C(L15)	C(L15)	C(L15)	C(L15)	
Animal Care	C	C	C	C	
Undertaking Service	—	—	—	—	
Industrial Activities					

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Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Custom Manufacturing	P(L4)	P(L4)	P(L4)	P(L4)	17.120
Light Manufacturing	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	17.120
General Manufacturing	—	—	—	P(L3)(L9)	
Heavy/High Impact Manufacturing	—	—	—	—	
Research and Development	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
Construction Operations	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Warehousing, Storage and Distribution-Related					
A. General Warehousing, Storage and Distribution	P(L3)(L9)	P(L3)(L9)	P(L3)(L9)	P(L4)(L9)	
B. General Outdoor Storage	C	C	C	C	
C. Self- or Mini-Storage	C(L12)	C(L12)	C(L12)	C(L12)	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
A. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	
Agricultural and Extractive Activities					
Plant Nursery	C	C	C	C	
Limited Agriculture	P(L13)	P(L13)	P(L13)	P(L13)	
Extensive Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	
Mining and Quarrying Extractive	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.116.175
Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	C	17.102.110

Limitations:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.~~

~~L6. 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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.~~

~~L8. No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Rresidential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.~~

~~L9. Outdoor principal activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134).~~

~~L10. This activity shall only permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is on a lot that is twenty-five thousand (25,000) square feet or larger, or covers more than twenty-five thousand (25,000) square feet ~~or more of~~ lot area.~~

~~L11. Except on Lowell Street, a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 Zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). This conditional use permit and regular design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding Rresidential Aactivities through landscaping and fencing. See Section 17.114 for general regulations regarding nonconforming uses.~~

~~L12. All facilities containing Self- or Mini-Storage activities shall meet the following requirements:~~

- ~~1. No more than twenty percent (20%) of the total floor area on a lot shall be occupied by facilities containing Self- or Mini-Storage activities.~~
- ~~2. No facility that includes a Self- or Mini-Storage Aactivity shall be within the front twenty (20) feet of a building.~~
- ~~3. Projects that include self-storage establishments shall have a minimum fifty percent (50%) of lot frontage occupied by Convenience Sales and Service, General Food Sales,~~

General Retail Sales, and/or General Personal Service Commercial Activities on the ground floor. These ground floor activities shall not be directly associated with the self-storage establishment at the site.

L16. Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, 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).

17.65.040 Permitted and conditionally permitted facilities.

For the purposes of this Chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in the table below are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

1. **"Live/Work"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Live/Work unit is intended to accommodate both Residential and Nonresidential Aactivities.
2. **"Work/Live"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit is intended to accommodate a primary Nonresidential Aactivity with an accessory residential component.

The following table lists regulations relating to certain facilities. The descriptions of these facilities are contained in Chapter 17.10.

"P" indicates that the facility is permitted in the corresponding zone.

"C" indicates that the facility is only permitted upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

"—" designates uses that are prohibited in the corresponding zone.

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Residential Facilities					
One-Family Dwellings	P	P(L3)	P(L3)	C(L3)	
One-Family Dwelling with Secondary Unit	P	P	P	C	17.103.080
Two-Family Dwelling	P	P	P	C	
Multifamily Dwelling	P	P	P	C	
Rooming House	P	P	P	C	
Mobile Home	—	—	—	—C	

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Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Live/Work	P	P	P	P	17.65.160
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L2)	C(L2)	C(L2)	C(L2)	
Work/Live	P	P	P	P	17.65.150
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	P	P	P	C	
Drive-Through Nonresidential	C(L1)	C(L1)	C(L1)	C(L1)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

Limitation:

L1. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L2. ~~No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

L3. In the HBX-2, HBX-3, and HBX-4 Zones, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a conditional use permit (see Chapter 17.134) This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.060 Minimum lot area width and frontage.

The following table contains the minimum lot area, width, and frontage requirements for the zones in this Chapter.

Standard	Zones			
	HBX-1	HBX-2	HBX-3	HBX-4
Minimum lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.
Minimum lot width mean	35 ft.	35 ft.	35 ft.	35 ft.
Minimum lot frontage	35 ft.	35 ft.	35 ft.	35 ft.

Note:

See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations. Lots that do not meet the standards described above may be developed if they meet the requirements described in Subsection 17.106.010A and all other applicable requirements.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872, § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.070 Maximum density.

The following table contains the maximum number of living units allowed per lot for the zones in this Chapter.

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

Notes:

1. See (1) Section 17.103.070 for regulations regarding Ssecondary Units; (2) Chapter 17.107 for affordable housing density incentives; and (3) Section 17.106.060 for increased density for senior housing.

2. ~~New construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a conditional use permit (see~~

~~Chapter 17.134) in the HBX-2, HBX-3, and HBX-4 Zones. This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.~~

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.080 Maximum floor area ratio.

A. The following table contains the maximum Floor Area Ratios (FARs) for all structures for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum Floor Area Ratio (FAR)	1.75	2.5 when the lot abuts a street right-of-way that is less than 80 ft. wide; 3.0 otherwise.	2.5 permitted; 3.0 may be allowed upon the granting of a conditional use permit.	2.5 permitted; 3.0 may be allowed upon the granting of a conditional use permit.

Notes:

- Under no circumstances shall a project exceed the maximum ~~se~~ FARs for all structures listed in this table or the Nonresidential FARs listed in Subsection B.
- See Section 17.65.090 for how to calculate Floor Area Ratio (FAR) in mixed use projects.
- A conditional use permit for an FAR of up to 3.0 in the HBX-3 and HBX-4 Zzones may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:
 - That the scale of buildings is reduced through the articulation and massing of street facing façades into a series of smaller forms.
 - That the additional Ffloor Aarea Rratio does not significantly decrease the solar access of existing adjacent single family homes or duplexes to a degree greater than would be created if the facility were built according to the base FAR.

B. The following table contains the maximum Floor Area Ratios (FARs) for Nonresidential Facilities for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Nonresidential FAR	1.75	3.0	1.0	2.5

Notes:

- Under no circumstances shall a project exceed the maximum Nonresidential FARs listed in this table or the FARs for all structures listed in Subsection A.
- See Section 17.65.090 for how to calculate FAR in mixed use projects.

(Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.090 Maximum density and Floor-Area Ratio for mixed use projects.

A. This Section shall only apply to the following two (2) types of mixed use projects:

1. Projects that have at least twenty percent (20%) of its total floor area devoted to Nonresidential Facilities or
2. Projects that:
 - a. Are on lots that are fifty (50) feet wide or less and
 - b. Have a minimum fifty percent (50%) of lot frontage occupied by Ground Floor Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities. This commercial floor area must be at least twenty (20) feet deep measured from the building frontage and be within an enclosed building. Projects on through lots require this minimum fifty percent (50%) on only the longest lot frontage to qualify as a mixed use project for this Section.

B. For projects described in Subsection A., the allowable intensity of development shall be measured according to both the maximum Nonresidential Floor-Area Ratio (FAR) allowed by the zone and the maximum Residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum Nonresidential FAR and the maximum Residential density. the maximum number of units permitted on a lot shall not be affected by the nonresidential floor area provided on the same lot. Conversely, for these projects the maximum floor area allowed on a lot shall not be affected by the number of living units provided on the same lot. For projects described in Subsection A, tThis Subsection conforms with supersedes the requirements in Section 17.106.030.A.

C. Section 17.106.030.B describes how to calculate maximum density and floor-area ratio for mixed use projects not included in Subsection A.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12772 § 1 (part), 2006)

17.65.100 Maximum height.

A. The following table contains the maximum heights for the zones in this Cehapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum height	35 ft.*	45 ft. when the lot abuts a street right of way that is less than 80 ft. wide; 55 ft. when the lot abuts a street right of way that is 80 ft. wide or more.	55 ft.	55 ft.

Notes:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, or RM Residential Zone. This maximum height shall increase one (1) foot for every foot of distance from this setback line.

Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

2. See Subsection (B) for situations when exceeding these maximum heights may be permitted.

3. ~~On Lowell Street, any building height over thirty (30) feet requires the granting of a conditional use permit (see Chapter 17.134).~~

B. Structures that are: 1) on lots adjacent to, or directly across the street from a freeway right of way or Bay Area Rapid Transit (BART) right of way that contains above-ground tracks; and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right of way are eligible for a seventy five (75) foot height limit. This additional height is permitted only upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136) and in conformance with the "Design Guidelines for the HBX Zones" as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; Ord. 12776, § 3, Exh. A (part), 2006; Ord. 12772, § 1 (part), 2006)

17.65.110 Minimum yards and courts.

A. Minimum yards shall be consistent with the "Design Guidelines for the HBX Zones" as adopted by the City Council.

B. A minimum ten (10)-foot rear yard depth is required when a rear lot line abuts any portion of a lot in a Residential Zone. Also, see Section 17.108.110 for reduced required rear yard depth next to an alley.

C. See Section 17.108.080 for the required interior side yard width on a lot containing two (2) or more living units and opposite a legally required living room window.

D. When the rear yard of a reversed corner lot abuts a key lot that is in a Residential Zone, the required street side yard width of the reversed corner lot is one-half of the minimum front yard depth required on the key lot (see illustration 1-12a).

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120

(Ord. 12872 § 4 (part), 2008)

17.65.120 Minimum usable open space.

The following table contains the minimum usable open space requirements per dwelling unit for the zones in this Chapter.

Zone			
HBX-1	HBX-2	HBX-3	HBX-4
<u>150</u> 200 sf./unit	150 sf./unit	150 sf./unit	100 sf./unit

Note:

Usable open space is only required on lots with two (2) or more primary units, ~~or more~~, and not required for a One-Family Dwelling with Secondary Unit. ~~single-family homes with secondary units~~. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot.

(Ord. 12872 § 4 (part), 2008)

17.65.130 Landscaping, paving, and buffering.

- A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility (see Section 17.09.040 for definition), excluding Ssecondary Uunits of five hundred (500) square feet or less, and for additions to existing building facilities of over five hundred (500) square feet.

17.65.140 Outdoor storage.

The outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: 1) the storage is within fifteen (15) feet from any property line of a lot containing Residential Activities, and 2) the storage faces any windows of a Rresidential Ffacility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the "Design Guidelines for the HBX Zones" as adopted by the City Council.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12772, § 1 (part), 2006)

17.65.150 Special regulations for HBX work/live units.

- A. Definitions. The following definitions apply to this Cchapter only:

1. In the HBX-4 Zone, an "HBX work/live unit" shall be considered a Commercially/ Industrially Oriented Joint Living and Working Quarter under the Building Code. Any building permit plans for the construction or establishment of HBX work/live units in the HBX-4 Zone shall: (a) clearly state that the proposal includes Commercially/Industrially Oriented Joint Living and Working Quarters, and (b) label such units as Commercially/ Industrially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow a certain level of industrial activities in HBX-4 work/live units.
2. In the HBX-1, HBX-2, and HBX-3 Zones, an "HBX work/live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX work/live unit in the HBX-1, HBX-2, and HBX-3 Zones accommodates both Rresidential and Nnonresidential Aactivities, but

emphasizes the accommodation of commercial activities. Such HBX work/live units shall meet all applicable regulations contained in this Section.

- B. The establishment of an HBX work/live unit is permitted in the HBX Zones if it meets and is consistent with the regulations and definitions contained in this Section.
- C. In the HBX-1, HBX-2, and HBX-3 Zones, regulations in this Section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this Chapter relating to HBX work/live units shall supersede the regulations contained in Section 17.102.190.
- D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX work/live unit; the minimum size of an HBX work/live unit; and the parking, loading, and open space required for each HBX work/live unit:

Standard	Requirement		Note
Activities allowed in an HBX work/live unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a <u>R</u> esidential <u>F</u> acility (See Chapter 17.112)		
Required parking	One parking space per unit.		1
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	2
	One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	One long-term space for each four dwelling units; minimum requirement is two long-term spaces. One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	
Required loading	Square feet of facility	Requirement	3
	Less than 25,000 square feet	No berth required	
	25,000—69,999 square feet	One berth	
	70,000—130,000 square feet	Two berths	
	Each additional 200,000 square feet	One additional berth	
Residential Density	Not applicable because HBX work/live units are <u>N</u> onresidential <u>F</u> acilities.		
Required usable open space	75 square feet of usable open space per unit		
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

Notes:

1. See Chapter 17.116 for other off-street parking standards.

2. See Chapter 17.117 for other bicycle parking standards.
3. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. Also, all required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space for HBX work/live units may be provided above ground.

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

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

I. For any HBX work/live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold; and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

1. The unit is in a Nonresidential Facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
2. Each unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

K. HBX work/live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.

L. **Regular Design Review Criteria.** Regular design review approval for HBX work/live units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily HBX work/live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.
2. That a building containing HBX work/live units has Nonresidential Activities and nonresidential floor area on the ground floor or level and at street fronting elevations.
3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.
4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, roll-up doors, a business door oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.
5. That the layout of nonresidential floor areas within a unit provides a functional open area for working activities.
6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.
7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.

17.65.160 Special regulations for HBX live/work units.

- A. Definition. "HBX live/work unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX live/work unit accommodates both Residential and Nonresidential Aactivities. An HBX live/work unit meets all applicable regulations contained in this Section.
- B. The establishment of an HBX live/work unit is permitted in the HBX Zones if it meets and is consistent with the regulations and definitions contained in this Section.
- C. In the HBX-1, HBX-2, and HBX-3 Zones, regulations in this Section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this Chapter relating to HBX live/work units shall supersede the regulations contained in Section 17.102.190.
- D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX live/work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX live/work unit, and the loading and open space for each HBX live/work unit:

Standard	Requirement		Note
Activities allowed in an HBX live/work unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a <u>R</u> esidential <u>F</u> acility (See Chapter 17.112)		
Required parking	One parking space per unit		1
Required bicycle parking	With private garage for each unit:	Without private garage for each unit:	
	One short-term space for each 20 dwelling units; minimum requirement is two short-term spaces.	One long-term space for each four dwelling units; minimum requirement is two long-term spaces. One short-term space for each 20 dwelling units; minimum requirement is two-short-term spaces.	2
Required loading	Square feet of facility	Requirement	
	Less than 50,000 square feet	No berth required	3
	50,000—149,999 square feet	One berth	
	150,000—299,999 square feet	Two berths	
	Each additional 300,000 square feet	One additional berth	
Permitted density	Same as Section 17.65.070		

Standard	Requirement	Note
Required usable open space	Same as Section 17.65.130	

Notes:

1. See Chapter 17.116 for other off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. Chapter 17.116 contains other off-street loading standards. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a conditional use permit stated in Section 17.116.220.

- I. HBX live/work units are Residential Efacilities, shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's condominium conversion ordinance, Chapter 16.36. The same requirements contained in the City's condominium conversion ordinance that relate to residential units shall apply to HBX live/work units.
- J. **Regular Design Review Criteria.** Regular design review approval for HBX live/work units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:
 1. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
 2. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 12776, § 3, Exh. A (part), 2006; Ord. 12772, § 1 (part), 2006)

17.65.170 Special regulations for Mini-Lot and Planned Unity Developments.

- A. **Mini-Lot Developments.** In Mini-Lot Developments, certain regulations otherwise applying to individual lots in the HBX Zones may be waived or modified when and as prescribed in Chapter 17.142.

- B. **Planned Unit Developments.** Large integrated developments in the HBX Zones shall be subject to the Pplanned Uunit Ddevelopment regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the HBX Zones, and certain of the other regulations applying in said zones may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

17.65.180 Other zoning provisions.

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the HBX Zones.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the HBX Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12884 § 2 (part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 12772, § 1 (part), 2006)

Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS ^[32]

Sections:

17.72.010 Title, intent, and description.

17.72.020 Required design review process.

17.72.030 Permitted and conditionally permitted activities.

17.72.040 Permitted and conditionally permitted facilities.

17.72.050 Property development standards.

17.72.060 Special Regulations for Mini-lot and Planned Unit Developments.

17.72.070 Other zoning provisions.

17.72.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the M-20, M-30, and M-40 Industrial Zones Regulations. This Chapter establishes regulations for the (M-20) Light Industrial, (M-30) General Industrial, and (M-40) Heavy Industrial Zones. The intent of the M-20, M-30, and M-40 Industrial Zones regulations is to create, preserve and enhance areas containing manufacturing, industrial, and related establishments.
- B. Description of Zones. This Chapter establishes land use regulations for the following three (3) zones:
 1. **M-20 Light Industrial Zone.** The M-20 Zone is intended to create, preserve, and enhance areas containing manufacturing, industrial and related establishments with limited external impact within an open and attractive setting, and is typically appropriate to locations adjacent to residential communities.
 2. **M-30 General Industrial Zone.** The M-30 Zone is intended to create, preserve, and enhance areas containing a wide range of manufacturing, industrial, and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.
 3. **M-40 Heavy Industrial Zone.** The M-40 Zone is intended to create, preserve, and enhance areas containing manufacturing, industrial, or related establishments that are potentially incompatible with most other establishments, and is typically appropriate to areas which are distant from residential areas and which have extensive rail or shipping facilities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.72.020 Required design review process.

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Residential Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when

applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104

- B. No facility located within one hundred fifty (150) feet of any Residential Zone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136:

1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
3. Freight/Truck Terminal.
4. Truck Yard.
5. Truck Weigh Stations.
6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.72.030 Permitted and conditionally permitted activities.

Table 17.72.01 lists the permitted, conditionally permitted, and prohibited activities in the M-20, M-30, and M-40 Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.72.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Activities				
Permanent	—	—	—	
Residential Care	—	—	—	
Service-Enriched Permanent Supportive Housing	—	—	—	
Transitional Housing	—	—	—	
Emergency Shelter	—	P(L1)	—	
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	

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Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Civic Activities				
Essential Service	P(L16)	P	P	
Limited Child-Care Activities	P	P	P	
Community Assembly	C	C	C	
Recreational Assembly	C	C	C	
Community Education	C	C	C	
Nonassembly Cultural	P	—	P	
Administrative	P(L2)	P(L2)	P(L2)	
Health Care	C	—	—	
Special Health Care	C(L3)	C(L3)	C(L3)	17.103.020
Utility and Vehicular	C	P(L4)	P(L4)	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	P	P	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	
Medical Service	P(L2)	P	P	
General Retail Sales	P(L5)	P(L5)	P(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	
Consultative and Financial Service	P(L2)	P(L2)	P(L2)	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	—	C(L7)	C(L7)	
Personal Instruction and Improvement Services	—	C	C	

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Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Administrative	P(L2)	P(L2)	P(L2)	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	P	P	P	
Transient Habitation	—	—	—	
Building Material Sales	C	P	P	
Automobile and Other Light Vehicle Sales and Rental	P	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C(L8)	P(L8)	P(L8)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L8)	P(L8)	P(L8)	
Taxi and Light Fleet-Based Services	C	P	P	
Automotive Fee Parking	P	—	P	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	P(L9)	P	P	
Light Manufacturing	P(L10)	P	P	
General Manufacturing	C(L10)	C(L10)	C(L10)	
Heavy/High Impact	—	—	C	
Research and Development	C	C	P	
Construction Operations	C	P	P	
Warehousing, Storage, and Distribution-Related				
A. General Warehousing, Storage and Distribution	C	P	P	
B. General Outdoor Storage	C	P	P	
C. Self- or Mini-Storage	P	P	P	
D. Container Storage	C	P	P	
E. Salvage/Junk Yards	C	C	P(L11)	
Regional Freight Transportation	C	C	C	

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Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Trucking and Truck-Related				
A. Freight/Truck Terminal	C	P(L8)(L12)	P(L8)(L12)	
B. Truck Yard	C	P(L8)(L12)	P(L8)(L12)	
C. Truck Weigh Stations	C	P(L8)(L12)	P(L8)(L12)	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	C	P(L9)(L13)	P(L9)(L13)	
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	C	P(L8)(L12)	P(L8)(L12)	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	—	C	P	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	C(L13)	C(L13)	C(L13)	
Agriculture and Extractive Activities				
Plant Nursery	C	P	P	
Limited Agriculture	P(L14)	P(L14)	P(L14)	
Extensive Agriculture	C(L15)	C(L15)	C(L15)	
Mining and Quarrying	C	C	C	
Accessory off-street parking serving prohibited activities	P	P	P	17.116.075
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	17.102.110

Limitations on Table 17.72.01:

L1. Emergency shelters are permitted by-right within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the following:

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

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

L3. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L7. No new or expanded ~~Aadult Eentertainment Aactivity~~ shall be located closer than one thousand (1,000) feet to the boundary of any ~~Rresidential Zzone~~ or three hundred (300) feet from any other ~~Aadult Eentertainment Aactivity~~. See Section 17.102.160 for further regulations regarding ~~Aadult Eentertainment Aactivities~~.

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

L9. These activities are only permitted upon the granting of a Conditional Use Permit if located within one hundred fifty (150) feet of a ~~Rresidential Zzone~~ (see Chapter 17.134 for the CUP procedure).

L10. Electroplating ~~Aactivities~~ are prohibited.

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

1. That the project is not detrimental to the public health, safety or general welfare of the community;
2. That the project is or will be adequately served by roads and other public or private service facilities;
3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;
4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures have been incorporated into the project.

L16. Community Gardens are permitted ~~by outright~~ if they do not include the cultivation of animals, animal products, 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).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02 lists the permitted, conditionally permitted, and prohibited facilities in the M-20, M-30, and M-40 Zones. The descriptions of these facilities are contained in Chapter 17.10.

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"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	—	—	—	
One-Family Dwelling with Secondary Unit	—	—	—	17.103.080
Two-Family Dwelling	—	—	—	
Multifamily Dwelling	—	—(L4)	—	
Rooming House	—	—(L4)	—	
Mobile Home	—	—	—	
Nonresidential Facilities				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	C(L1)(L3)	P(L1)	P(L1)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	P	P	
Drive-Through	C	C	C	17.103.100
Telecommunications Facilities				
Micro Telecommunications	P	P	P	17.128
Mini Telecommunications	P	P	P	17.128
Macro Telecommunications	P	P	P	17.128
Monopole Telecommunications	C	P	P	17.128
Tower Telecommunications	—	C	C	17.128
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

Limitations on Table 17.72.02:

L3. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L4. All Residential Facilities are prohibited, except those serving a permitted Emergency Shelter Activity as indicated in Table 17.72.01, Limitation L1.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.72.050 Property development standards.

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

Table 17.72.03: Property Development Standards

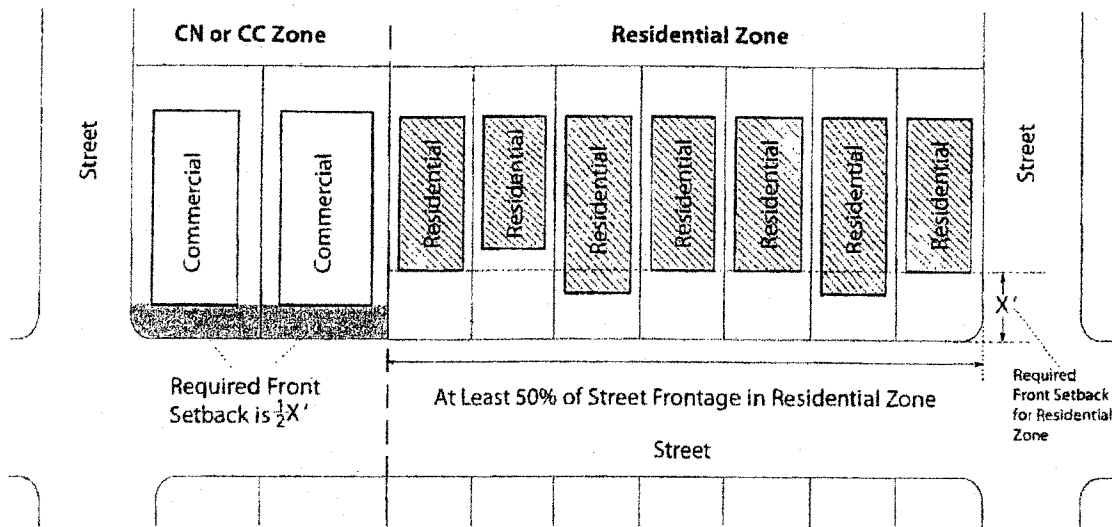
Development Standards	Zones			Additional Regulations
	M-20	M-30	M-40	
Minimum Lot Frontage	25 feet	25 feet	25 feet	1
Minimum/Maximum Setbacks				
Minimum front	5 ft.	0 ft.	0 ft.	2, 3
Minimum interior side	0 ft.	0 ft.	0 ft.	4
Minimum street side	0 ft.	0 ft.	0 ft.	5
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	6, 7
Maximum Height	None	None	None	8
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking			
Courtyard Regulations	See Section 17.108.120			

Additional Regulations for Table 17.72.03:

1. See Section 17.106.020 for exceptions to street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half ($\frac{1}{2}$) of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one (1) Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half ($\frac{1}{2}$) of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.72.03 [Additional Regulation 28], below).
3. In the M-20 Zone, this minimum front yard shall, except for accessory driveways and walkways, be developed with lawn, ground cover, harden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124.

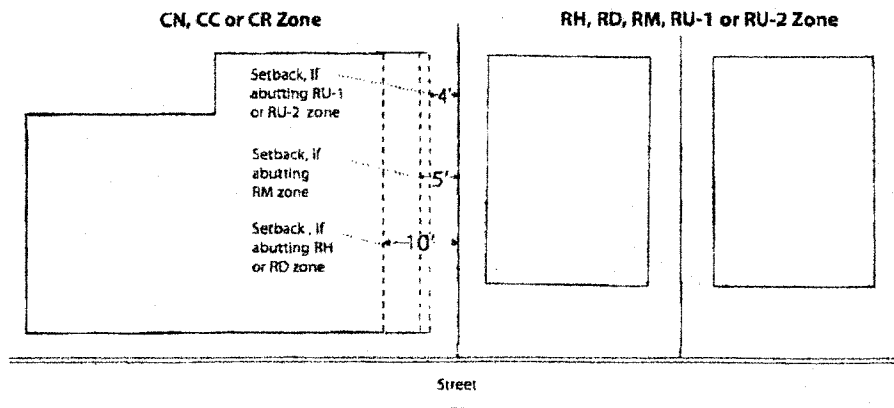
Illustration for Table 17.72.03 [Additional Regulation 23]

*for illustration purposes only



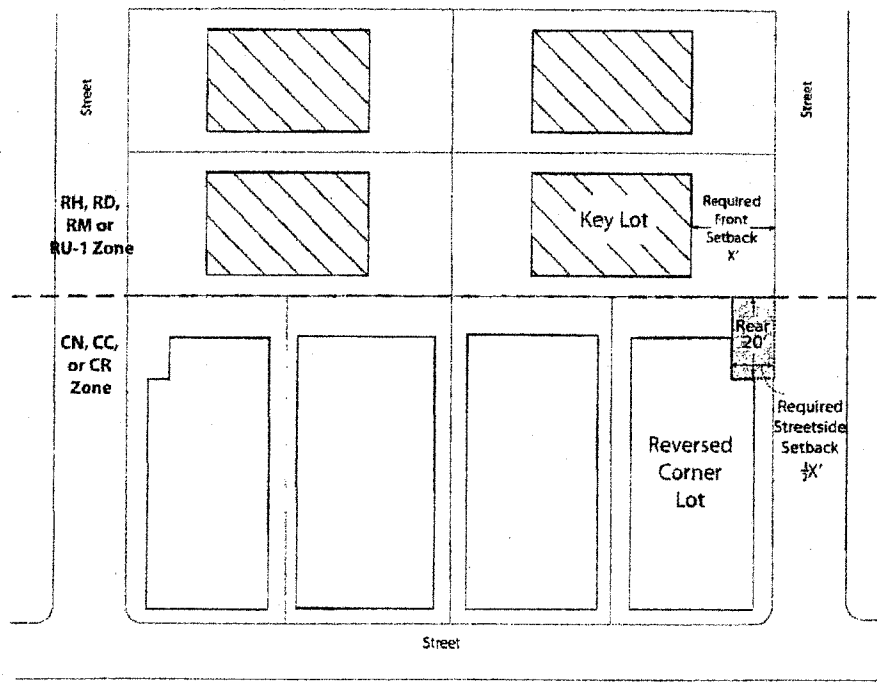
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.68.03 [Additional Regulation 49], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.72.03 [Additional Regulation 4]
*for illustration purposes only



5. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, or the RU-1 Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 544], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.72.03 [Additional Regulation 5]
*for illustration purposes only



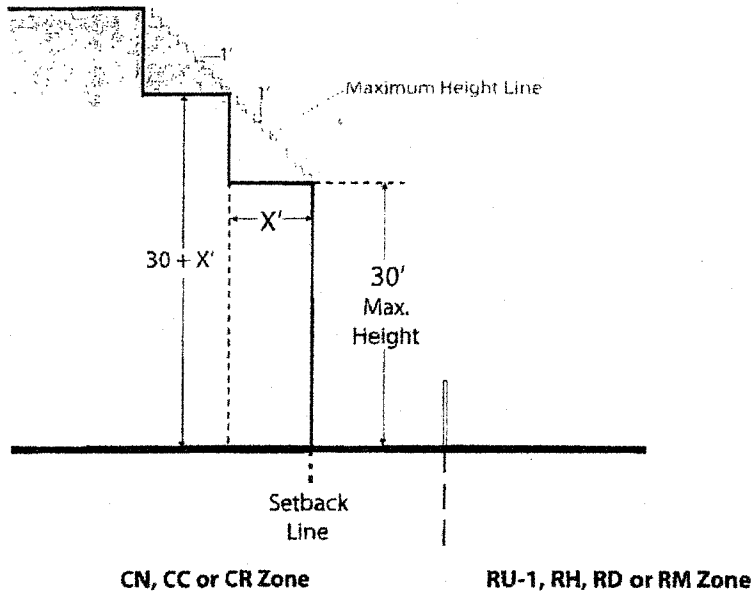
7. When a rear lot line is adjacent to an RH, RD, or RM Zone, or RU-1 Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, or RU-1 Zone, the required

rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

8. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abuts a lot in an RH, RD, or RM Zone; or RU-1 Zone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.35.04 [Additional Regulation 8444, below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.72.03 [Additional Regulation 8]

*for illustration purposes only



(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.72.060 Special Regulations for Mini-Lot and Planned Unit Developments.

- A. **Mini-lot Developments.** In Mini-Lot Developments, certain regulations that apply to individual lots in the M-20, M-30, and M-40 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the M-20, M-30, and M-40 Zones, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.72.070 Other zoning provisions.

A. Performance Standards.

1. In the M-20 Zone, all Commercial and Industrial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.
2. In the M-30 Zone, all Commercial and Industrial Activities which are located within four hundred (400) feet from any boundary of a Residential Zone shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

B. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

D. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the M-20, M-30, and M-40 Zones.

E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the M-20, M-30, and M-40 Zones.

F. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the M-20, M-30, and M-40 Zones.

G. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.010 Title, purpose, and applicability.

17.73.015 Required design review process.

17.73.020 Permitted and conditionally permitted activities and facilities.

17.73.030 Property Development Standards.

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

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

17.73.050 Parking and loading dock restrictions.

17.73.060 Referral to other applicable regulations.

17.73.065 Special regulations for large-scale developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones.

17.73.070 Other zoning provisions.

17.73.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the CIX, IG, and IO Industrial Zones Regulations. This Chapter establishes regulations for the (CIX-1A) West Oakland Plan Area Commercial Industrial Mix-1A, (CIX-1B) West Oakland Plan Area Commercial Industrial Mix-1B, (CIX-1C) West Oakland Plan Area Commercial Industrial Mix-1C, (CIX-1D) West Oakland Plan Area Commercial Industrial Mix-1D, (CIX-1) Commercial Industrial Mix-1, (CIX-2) Commercial Industrial Mix-2, (IG) General Industrial, and (IO) Industrial Office Zones.

The intent of the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones districts is to implement the West Oakland Specific Plan. These and the other CIX, IG, and IO Industrial Zones zoning districts are intended to create, preserve, and enhance areas for industrial uses, including manufacturing, scientific and product-related research and development, construction, transportation, warehousing/storage/distribution, recycling/waste-related activities, clean technology, and similar uses. The primary purposes of these areas are to support Oakland's economic base and to provide employment opportunities. The specific purposes of the CIX, IG, and IO Industrial Zones districts are to:

1. Provide a diversified economic base and a wide range of employment opportunities;
2. Maximize Oakland's regional role as a transportation, distribution, and communications hub;
3. Support Port operations and expansion by providing land for Port services such as trucking, warehousing, and distribution;
4. Preserve areas with good freeway, rail, seaport, and/or airport access for business and industrial uses;

5. Prohibit residential uses and limit commercial uses in General Industrial (IG) areas so that a maximum amount of the City's land base is preserved for industrial uses, and so that industrial uses may operate without impacting those activities;
6. Locate high impact industrial uses away from residential areas; and
7. Allow heavy-impact or large-scale commercial retail uses on sites with direct access to the regional transportation system.

A. **Description of Zones.** This Chapter establishes land use regulations for the following zones:

1. **CIX-1 Commercial Industrial Mix - 1 Zone.** The CIX-1 Zone is intended to create, preserve, and enhance industrial areas that are appropriate for a wide variety of businesses and related commercial and industrial establishments. This zone is intended to accommodate existing older industries and provide flexibility in order to anticipate new technologies. Large-scale commercial and retail uses will be limited to sites with direct access to the regional transportation system.
2. **CIX-1A West Oakland Plan Area Commercial Industrial Mix - 1A Zone (Business Enhancement).** The CIX-1A Zone intended to create, preserve, and enhance industrial areas in the West Oakland Specific Plan Area that are appropriate for incubator space for specific industry groups, adaptable space for artisans and craftspeople, and flexible small spaces for start-up businesses.
3. **CIX-1B West Oakland Plan Area Commercial Industrial Mix - 1B Zone (Low Intensity Business).** The CIX-1B Zone is intended to support industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of new custom and light manufacturing, light industrial, warehouse, research and development, and service commercial uses.
4. **CIX-1C West Oakland Plan Area Commercial Industrial Mix - 1C Zone (High Intensity Business).** The CIX-1C Zone is intended to support industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of higher intensity-large-scale commercial, retail, office, and advanced manufacturing-type users. This zone is applied to areas with strong locational advantages that make possible the attraction of high intensity commercial and light industrial land uses and development types.
5. **CIX-1D West Oakland Plan Area Commercial Industrial Mix - 1D Zone (Retail Commercial Mix).** The CIX-1D Zone is intended to create, preserve, and enhance industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of large-scale retail and commercial uses. This district is applied to areas with a prominent street location.
6. **CIX-2 Commercial Industrial Mix - 2 Zone.** The CIX-2 Zone is intended to create, preserve, and enhance industrial areas that are appropriate for a wide variety of commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas.
7. **IG General Industrial Zone.** The IG Zone is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. This zone allows heavy

industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar and related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.

8. **IO Industrial Office Zone.** The IO Zone is intended to create and support areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments in a campus-style setting. Development and performance standards in this district are more restrictive and accommodate large-parcel development in an attractive, well-landscaped setting. Future development shall reflect large-scale office, research and development, light industrial, wholesaling and distribution, and similar and related supporting uses.

B. Description of Combining Zone. This Chapter establishes land use regulations for the following combining zone:

1. **T Transport and Warehousing Combining Zone.** The intent of the T Combining Zone is to create and support areas of the city with the CIX-1A, CIX-1B, CIX-1C, or CIX-1D Industrial Zone designation that are appropriate for a wide variety of transportation facilities, warehousing and distribution, and similar and related supporting uses. The T Combining Zone is applied to areas with good freeway, rail, and/or seaport access. When a primary zone is combined with the T Combining Zone, the T Combining Zone permitted uses supersede those of the primary zone.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12875 § 2 (part), 2008)

17.73.015 Required design review process.

- A. In the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones: Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- B. In the CIX-1, CIX-2, IG, and IO Zones: Except for projects that are exempt from design review as set forth in Section 17.136.025, no Residential Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- C. No facility located within one hundred fifty (150) feet of any Residential Zone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136.
 1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
 2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
 3. Freight/Truck Terminal.

4. Truck Yard.
 5. Truck Weigh Stations.
 6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
 7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.
- 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 Regular Design Review procedure in Chapter 17.136 and to all of the additional criteria set forth in Subsection 17.73.040.D.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.73.020 Permitted and conditionally permitted activities and facilities.

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

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

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

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

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

Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities

Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Residential Activities										
Emergency Shelter	—	—	—	—	P(L1)	P(L1)	—	—	P(L1)	
All Other Residential Activities	All other Residential Activities prohibited in each zone									
Civic Activities										
Essential Service	P	P	P	P	P	P	P(L21)	P(L21)	P(L21)	
Limited Child-Care	C	C	C	C	—	—	—	—		
Community Assembly	P	P	P	P	P	C	—	C		

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Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Recreational Assembly	P	P	P	P	P	C	—	C		
Community Education	C	C	C	C	P	C	—	C		
Nonassembly Cultural	P	P	P	P	P	C	—	C		
Administrative	P	P	P	P	P	C	—	C		
Health Care	C	C	C	C	P	—	—	—	P	
Special Health Care	C	—	—	—	C	C	—	—		
Utility and Vehicular	C	C	P	C	P	C	C	C	P	
Extensive Impact	C	C	C	C	C	C	C	C		
Commercial Activities										
General Food Sales	P	P	P	P	P	P(L17)	C(L2)	P(L2)		
Full Service Restaurant	P	P	P	P	P	P(L17)	C(L2)	P(L2)		
Limited Service Restaurant and Cafe	P	P	P	P	P	P(L17)	C(L2)	P(L2)		
Fast Food Restaurant	C	C	C	C	C	C	—	C	C	See Section 17.103.030
Convenience Market	C	C	C	C	C	C	—	C	C	
Alcoholic Beverage Sales	C	C	C	C	P(L3)	C	—	—		See Sections 17.103.030 and 17.114.030

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Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T ⁺	
Mechanical or Electronic Games	P(L4)	P(L4)	P(L4)	C	P(L4)	—	—	—		
Medical Service	P	P	P	P	P	C	—	C		
General Retail Sales	P	P	P	P	P	P(L17)	—	P(L17)		
Large-Scale Combined Retail and Grocery Sales	—	—	C	C	—	—	—	—		
Consumer Service	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	—	C(L20)		
Consultative and Financial Service	P	P	P	P	P	C	—	—		
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—		
Consumer Cleaning and Repair Service	P	P	P	P	P	C	—	—		
Consumer Dry Cleaning Plant	C	C	C	C	P	C	—	—		
Group Assembly	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	P(L9)	P(L9)	C		
Personal Instruction and Improvement Services	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	P(L9)	P(L9)	C		
Administrative	P	P	P	P	P	P	L9	P		
Business, Communication, and Media Service	P	P	P	P	P	P	P	P		

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Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Broadcasting and Recording Service	P	P	P	P	P	P	P	P		
Research Service	P	P	P	P	P	P	C	P		
General Wholesale Sales	P	P	P	P	P	P	P	P		
Transient Habitation	C	C	C	C	—	—	—	—		
Building Material Sales	P(L19)	P(L19)	P(L19)	P(L19)	P(L4)	P(L4)	—	—	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	C	C	P	P	P	C	—	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C	C	C	P(L7)	P	P	P	—	P(L4)	
Automotive and Other Light Vehicle Repair and Cleaning	P(L7)	P(L7)	P(L7)	P(L7)	P(L4)	P(L4)	P	—	P(L4)	
Taxi and Light Fleet-Based Services	C	C	C	C	P(L4)	P(L4)	P	—	P	
Automotive Fee Parking	C	C	C	C	P(L4)	P	P	P		
Animal Care	P(L5)	P(L5)	P(L5)	C	P(L5)	C	C	—		
Animal Boarding	P(L5)	P(L5)	P(L5)	C	P(L5)	C	C	—		
Undertaking Service	C	C	C	—	P	C	C	—		
Industrial Activities										

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Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Custom Manufacturing	P	P	P	P	P	P	P	P		
Light Manufacturing	P	P	P	P	P	P	P	P		
General Manufacturing	P(L4)	P(L4)	P(L4)	—	P(L4)	P(L4)	P	—	P(L4)	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	C	—		
Research and Development	P	P	P	P	P	P	P	P		
Construction Operations	P(L19)	P(L19)	P(L19)	C	P(L4)	P(L4)	P(L4)	C	P(L4)	
Warehousing, Storage and Distribution-Related:										
A. General Warehousing, Storage and Distribution	P(L18)	P(L18)	P(L18)	C	P	P	P	P	P	
B. General Outdoor Storage	C	C	C	C	C	P(L4)	P	P		
C. Self- or Mini-Storage	—	—	—	—	C	C	—	C	C	
D. Container Storage	—	—	—	—	—	P(L4)	P	—		
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	P(L4)	—		
Regional Freight Transportation-Related:										
A. Seaport	—	—	—	—	—	—	P	C		
B. Rail Yard	—	—	—	—	—	C	P	—		
Trucking and Truck-Related:										

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Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
A. Freight/Truck Terminal	—	—	—	—	P(L6)	P(L4)	P	—	P	
B. Truck Yard	—	—	—	—	P(L6)	C	P	C	P	
C. Truck Weigh Stations	—	—	—	—	—	P	P	—		
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	—	—	—	—	P(L7)	P	P	P	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L6)	P	P	—	P	
Recycling and Waste-Related:										
A. Satellite Recycling Collection Centers	C	C	C	C	C	C	C	C		
B. Primary Recycling Collection Centers	—	—	—	—	P(L11)	P(L11)	P(L12)	—	—	See Section 17.73.0 35
Hazardous Materials Production, Storage & and Waste Management-Related:										
A. Small Scale Transfer and Storage	—	—	—	—	—	C	C	—		L12 - See also Health and Safety Protection Zone (S-19)
B. Industrial Transfer/Storage	—	—	—	—	—	—	C	—		
C. Residuals Repositories	—	—	—	—	—	—	C	—		
D. Oil and Gas Storage	—	—	—	—	—	—	P(L3)	—		
Agricultural and Extractive Activities										

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Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Plant Nursery	P	P	P	C	P	P	P	—		
Limited Agriculture	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	C(L15)	C(L15)	C(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)		
Mining and Quarrying Extractive	—	—	—	—	—	—	C	—		See Chapter 17.155
Accessory off- street parking serving prohibited activities	C	C	C	C	P	P	P	P	P	17.116. 075
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	C	C	C	C	C	C	C	C		17.102. 110

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

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Facility Types	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Residential Facilities	All <u>R</u> esidential <u>F</u> acilities prohibited in each <u>Z</u> one, <u>except</u> those serving a permitted Emergency Shelter Activity as indicated in Limitation L1 below.								
Nonresidential Facilities									
Enclosed Nonresidential	P	P	P	P	P	P	P	P	
Open Nonresidential	P	P	P	P	P	P	P(L21)	P(L21)	
Sidewalk Cafe	P	C	C	P	C	C	—	—	See Section 17.103.090
Drive-In Nonresidential	—	—	—	—	—	—	—	—	
Drive-Through Nonresidential	C	C	C	C	C	C	C	C	See Section 17.103.100
Telecommunications Facilities									
Micro Telecommunications	P	P	P	P	P	P	P	P	See Chapter 17.128
Mini Telecommunications	P	P	P	P	P	P	P	P	
Macro Telecommunications	C	C	C	C	C	C	P	P	
Monopole Telecommunications	C	C	C	C	C	C	P	P	
Tower Telecommunications	—	—	—	—	—	—	P	P	
Sign Facilities									
Residential Signs	—	—	—	—	—	—	—	—	See Chapter 17.104
Special Signs	P	P	P	P	P	P	P	P	
Development Signs	P	P	P	P	P	P	—	—	
Realty Signs	P	P	P	P	P	P	P	P	
Civic Signs	P	P	P	P	P	P	P	P	
Business Signs	P	P	P	P	P	P	P	P	

Advertising Signs

— — — — — — — —

Limitations:

L1. Emergency shelters are permitted by-right within those portions of the Third Street corridor, East 12th Street corridor and Coliseum Way area described in Section 17.103.015(A)(5)(6)(8) respectively and subject to the development standards in Section 17.103.015(B).

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

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

L4. A conditional use permit is required if within three hundred (300) feet of a Residential Zone; Permitted if beyond three hundred (300) feet of a Residential Zone.

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

L6. Prohibited within six hundred (600) feet of a Residential Zone. A conditional use permit is required elsewhere throughout the zone.

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

L8. A conditional use permit is required for entertainment uses. Also, no new or expanded Aadult Eentertainment Aactivity 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 Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

L9. A conditional use permit is required for entertainment, educational and athletic uses (see Chapter 17.134 for the CUP procedure). Also, no new or expanded Aadult Eentertainment Aactivity 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 Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

L10. Administrative activities accessory to an existing Industrial Aactivity are limited to twenty percent (20%) of floor area in the IG Zone.

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

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

L13. A conditional use permit is required for Electroplating Aactivities.

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

17.73.030 Property Development Standards.

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

Table 17.73.030: Property Development Standards

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Minimum Lot Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	100 ft.	1
Minimum Lot Width <u>Mean</u>	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	100 ft.	1
Minimum Lot Area (square feet)	5,000 sf.	5,000 sf.	5,000 sf.	5,000 sf.	5,000 sf.	10,000 sf.	10,000 sf.	25,000 sf.	1
Floor-Area Ratio (FAR)									
FAR - Greater than 300 feet from a <u>R</u> esidential <u>Z</u> one boundary	2.0	2.0	2.0/ <u>3.0</u>	2.0/ <u>3.0</u>	4.0	4.0	2.0	4.0	2
FAR - Within 300 feet of a <u>R</u> esidential <u>Z</u> one boundary	2.0	2.0	2.0/ <u>3.0</u>	2.0/ <u>3.0</u>	2.0/ <u>4.0</u>	2.0/ <u>4.0</u>	1.0/ <u>2.0</u>	2.0/ <u>4.0</u>	2
Maximum Height	85 ft.	85 ft.	85 ft.	85 ft.	None	55 ft.	None	55 ft.	3,4
Minimum Front Yard Setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	20 ft.	5
Minimum Rear Yard Setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5

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Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Minimum Interior Side Yard setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5
Minimum Street Side Yard Setback of a Corner Lot	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	20 ft.	5
Site Landscaping (% of entire lot area)	5%	5%	5%	5%	5%	5%	5%	15%	6, 7
Parking Lot Landscaping (% of parking lot area)	10%	10%	10%	10%	10%	10%	10%	10%	8
Street Trees	Required	Required	Required	Required	Required	Required	Required	Required	9, 10
Site and Driveway Access - Minimum Distance from any Residential or Open Space Zone boundary	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	11
Driveway Width Maximum	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	12
Pedestrian Walkway	Required	Required	Required	Required	Required	Required	Required	Required	13
Minimum Fence Height in Yards adjacent to Residential or Open Space Zones	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	14

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	12 ft.	12 ft.	12 ft.	12 ft.	15 ft.	15 ft.	15 ft.	15 ft.	14, 15

Additional Regulations Noted in Table 17.73.030

1. See Sections 17.106.010 and 17.106.020 for exceptions to street frontage, lot width and lot area regulations.

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

a. If in the CIX-1, CIX-2, IG, or IO Zones, the additional intensity will not exceed the maximum Floor Area Ratio (FAR) for sites greater than three hundred (300) feet from a Residential Zzone boundary; or if in the CIX-1C or CIX-1D Zones, will not exceed a Floor Area Ratio (FAR) of 3.0. Any additional intensity in the CIX, IG or IO Zones will not subject residentially zoned areas within three hundred (300) feet to significant adverse impacts related to: truck traffic; nighttime operations; noise; vehicular traffic; hazardous materials exposure and risk; air emissions; blockage of sunlight to private open space areas; or other such environmental impacts;

b. If in the CIX-1, CIX-2, IG, or IO Zzones, the site is located on a major arterial, freeway, rail line or other location that has adequate capacity to handle the intensity and type of traffic volume. If in the CIX-1C or CIX-1D Zones, the site is located within five hundred (500) feet of Mandela Parkway, or in or within five hundred (500) feet of the T overlay Zone;

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

d. All new development activities meet the Performance Standards in Chapter 17.120.

3. ~~Except as otherwise provided in~~ For additional regulations regarding height, see Section 17.108.030 (Allowed Projections above Height Limits), Chapter 17.128 (Telecommunications Regulations), and Section 17.108.010 for on-lots lying along a boundary of certain Residential Zzones, and ~~See Section 17.104.020 for maximum height of Signs.~~

5. See Section 17.108.130 for minimum front, side, and rear yards in Ccommercial and Iindustrial Zzones which may be across from, abut or be adjacent to a Residential Zzone or alley. Accessory structures or other facilities allowed within the yards and setbacks are in Sections 17.108.130.

6. All projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, shall comply with the landscape requirements in this Chapter and in Chapter 17.124. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards.

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

14. Applies to all property lines in Industrial Zones, except those fronting a public street, which directly abut a Residential or Open Space Zone. All buffering Requirements apply to: a) new development; or expansion of an industrial or commercial building by more than twenty percent (20%) floor area, or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five percent (35%), whichever is greater.

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

5. Litter, Debris, Graffiti and Cleanliness. For existing, new or expanded uses:
 - a. The site shall be maintained in a clean and orderly condition, free of vectors, and free of standing water and any odiferous waste;
 - b. The public right-of-way shall not be used for storage or processing of materials;
 - c. Graffiti shall be removed within seventy-two (72) hours of application;
 - d. A cleanliness/litter management and control plan shall be developed, implemented and maintained, such that it is ready for inspection. The plan shall include provisions for the disposal of recycling-related litter and debris in the public right-of-way within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Figure 17.73.01). This would not include material illegally dumped that is not related to the recycling operation, including but not limited to, hazardous material, containers of paint or unidentified liquids, tree trimmings, residential, commercial and/or industrial waste or dumping of materials not accepted by the Primary Recycling Collection Center. In addition, the Primary Recycling Collection Center shall produce a notice to distribute to customers that states that all illegal dumping shall be reported to City authorities.
- C. Relief from Performance Standards. Any person who owns or operates, or who has applied to construct, expand, modify or establish an activity or facility that involves Primary Recycling Collection Centers which would be affected by the performance standards required, and who contends that the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation, may submit a written application to the Planning Director requesting relief from the performance standards within ten (10) days of being initially notified of the performance standards. For purposes of this Section, notice to a predecessor in interest shall constitute such initial notice to subsequent owners/operators. The written request for relief from these performance standards must: (a)

identify the name and address of the applicant and business; (b) the affected application number; (c) specifically state how the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation; and (d) include all appropriate legal and factual support for the request for relief. Within thirty (30) days of receipt of the completed request for relief, the Planning Director, or his/her designee, shall mail to the applicant a written determination. The applicant may appeal such determination pursuant to the provisions in Oakland Planning Code Chapter 17.132.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12923, § 2(Exh. A), 3-17-2009)

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

- A. **Applicability.** A work/live unit in the CIX, IG, and IO Industrial Zones must meet all applicable regulations contained in this Section. The CIX, IG, and IO Zones regulations contained in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters.
- B. **Definition.** The following definition applies to this Chapter only: A "work/live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. A work/live unit accommodates a primary Nonresidential Activity with an accessory residential component.
- C. **Conditional use permit required.**
 - 1. Establishment of a work/live unit is only permitted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to one or both of the following additional use permit criteria:
 - a. The project is in the CIX Zones, and involves new construction or conversion of a building: (1) within three hundred (300) feet of a Residential Zone, or (2) on an irregular shaped parcel that is adjacent to Mandela Parkway and in existence prior to the effective date of this amended Code section.
 - b. The project is in the CIX, IG, or IO Zones, and involves conversion of an existing building originally designed for Commercial or Industrial Activities and there are existing artist and/or artisan residents who meet the requirements of Zoning Code Bulletin regarding "live/work" (issued August 29, 2001 and amended August 23, 2004).
- D. **Regular design review required.** 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 to all of the following additional criteria:
 - 1. That the exterior of a new building containing primarily work/live units in the Industrial Zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;
- E. **Activity, parking, loading, open space, and unit size standards for work/live units.** The following table contains the activities allowed in a work/live unit; the minimum size of an

industrial work/live unit; and the parking, loading and open space required for each work/live unit:

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

Standard	Requirement	Note
Activities allowed in a work/live unit	Same permitted and conditionally permitted activities as described in Section 17.73.020 for the applicable base zone.	
Required parking	One (1) parking space per unit plus one additional unassigned visitor or employee parking space per five (5) work/live units	1, 3
Required loading	Square feet of facility	Requirement
	Less than 10,000 square feet	No berth required
	10,000—69,999 square feet	One (1) berth
	70,000—130,000 square feet	Two (2) berths
	Each additional 200,000 square feet	One (1) additional berth
Required usable open space	Seventy-five (75) square feet of usable open space per unit	
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area	

Notes:

1. See Chapter 17.116 for other off-street parking standards.
 2. All required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space work/live units may be provided above ground. Further, each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement.
 3. Parking and open space standards apply to new construction. For conversion of existing buildings, maintaining existing parking and open space is required.
- F. A work/live unit shall consist of a maximum of one-third (1/3) residential floor area with the remaining floor area to be used for the primary Nnon-residential Aactivity. All required plans for the creation of industrial work/live units shall: (1) delineate areas designated to contain Residential Aactivities and areas designated to contain Nnonresidential Aactivities, and (2) contain a table showing the square footage of each unit devoted to residential and Nnonresidential Aactivities.
- G. Work/live space shall be considered Commercially/Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of work/live units shall: (1) clearly state that the proposal includes Commercial/Industrially Joint Living and Working Quarters and (2) label the units intended to be these units as Commercially/Industrially Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow industrial Aactivities in work/live units in the industrial Zones.

- H. Each unit shall contain at least one (1) tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.
- I. For any work/live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:
 - 1. The unit is in a Nonresidential Efacility that allows Commercial and/or Industrial Aactivities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
 - 2. Each unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.
- K. The development of work/live units in the CIX, IG, and IO Industrial Zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for work/live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

17.73.050 Parking and loading dock restrictions.

- A. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Parking for new development shall be located at the rear of the site or at the side of the building in the CIX and IO Zones except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a Residential Zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right-of-way. All existing loading docks are not subject to this requirement.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12875 § 2 (part), 2008)

17.73.060 Referral to other applicable regulations.

The following table contains referrals to other regulations that may apply:

Table 17.73.050: Referral to Other Regulations

Subject	Section
Required number, dimensions, and location of parking spaces; maneuvering aisle dimensions, and related regulations	17.116
Sign regulations	17.104.020 17.104.060

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Subject	Section
Buffering regulations, including the buffering of parking, loading, glare, and storage from other properties	17.110
Landscaping and screening, including street trees	17.124
Recycling space requirements	17.118
Nonconforming uses and facilities	17.114
Joint living and working quarters	17.102.190
Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts	17.120
The demolition of living units and the conversion of a living unit to a Nonresidential Use	17.102.230
Accessory Uses	17.10.040
Fence and retaining wall standards, including location, height, and materials	
Expanding a use into adjacent zones	17.102.110
Application of zoning regulations to lots divided by zone boundaries	17.154.060
Landmarks	17.05
Regulations applying to tobacco-oriented activities	17.102.350
Microwave and satellite dishes over three (3) feet in diameter located in or near <u>R</u> esidential <u>Z</u> ones	17.102.240
Special regulations applying to <u>A</u> adult <u>E</u> entertainment <u>A</u> activities	17.102.160
Special regulations applying to massage service activities	17.102.170
Buffering regulations for lots with three (3) or more required parking space. This includes the screening of parking, loading, glare, and storage from <u>R</u> esidential properties and <u>Z</u> ones	17.110.030
Buffer Regulations for commercial and industrial uses next to <u>R</u> esidential and <u>O</u> open <u>S</u> pace <u>Z</u> ones	17.110
Special regulations applying to <u>E</u> lectroplating <u>A</u> activities	17.102.340
S-19 Health and Safety Protection Overlay Zone	17.100A

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

17.73.065 Special regulations for large-scale developments in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones.

No development in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones that 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 (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the Planned Unit Development procedure (see Chapter 17.140 for the PUD procedure).

17.73.070 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the CIX, IG, and IO Zones.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CIX, IG, and IO Zones.

(Ord. No. 13042, § 4(Exh. A), 10-19-2010)

Chapter 17.74 S-1 MEDICAL CENTER ZONE REGULATIONS

Sections:

17.74.010 Title, purpose, and applicability.

17.74.030 Permitted activities.

17.74.040 Conditionally permitted activities.

17.74.050 Permitted facilities.

17.74.060 Conditionally permitted facilities.

17.74.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

17.74.110 Minimum lot area, width, and frontage.

17.74.120 Maximum residential density.

17.74.130 Maximum Floor-Area Ratio.

17.74.150 Minimum yards and courts.

17.74.180 Special regulations for Mini-Lot and Planned Unit Developments.

17.74.190 Other zoning provisions.

17.74.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-1 Medical Center Zone Regulations. The Medical Center (S-1) Zzone is intended to create, preserve, and enhance areas devoted primarily to medical facilities and auxiliary uses, and is typically appropriate to compact areas around large hospitals. These regulations shall apply in the S-1 Zzone.

(Prior planning code § 6100)

17.74.030 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency shelters are permitted by-right within those portions of the Martin Luther King Jr. Way corridor and Webster Street area described in Section

17.103.015(A)(1)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

B. Civic Activities:

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

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Health Care

C. Commercial Activities:

Medical Service

D. Agricultural and Extractive Activities:

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

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.75, 1996; prior planning code § 6103)

17.74.040 Conditionally permitted activities.

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

A. Residential Activities:

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

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

Emergency Shelter

C. Commercial Activities:

Group Assembly

Personal Instruction and Improvement Services and ~~Small Scale Entertainment~~

17.74.050 Permitted facilities.

D. Telecommunications:

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.79, 1996; prior planning code § 6105)

17.74.060 Conditionally permitted facilities.

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

B. Telecommunications:

Macro Telecommunications

Monopole Telecommunications

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.83, 1996; prior planning code § 6106)

17.74.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

See Section 17.102.230.

(Prior planning code § 6109)

17.74.110 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 6114)

17.74.120 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section

17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

B. Conditionally Permitted Density. The number of living units permitted by Subsection A₂ of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

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

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 6115)

17.74.130 Maximum Floor-Area Ratio.

The maximum Floor-Area Ratio of any facility shall be as follows, subject to the provisions of Section 17.106.030 with respect to maximum Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio (FAR). The maximum permitted FAR ~~floor-area ratio~~ is 4.00, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- B. Conditionally Permitted Floor-Area Ratio (FAR). The FAR ~~floor-area ratio~~ permitted by Subsection A₂ of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:
 1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
 2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6117)

17.74.150 Minimum yards and courts.

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6120)

17.74.180 Special regulations for Mmini-Llot and Planned Unit Ddevelopments.

- A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain of the regulations otherwise applying to individual lots in the S-1 Zzone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Ddevelopment regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-1 Zone, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 6123)

17.74.190 Other zoning provisions.

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-1 Zzone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in S-1 Zzone.

(Ord. 12884 § 2 (part), 2008; Ord. 11807 § 5 (part), 1995; prior planning code § 6124)

Chapter 17.76 S-2 CIVIC CENTER ZONE REGULATIONS

Sections:

17.76.010 Title, purpose, and applicability.

17.76.050 Permitted activities.

17.76.060 Conditionally permitted activities.

17.76.080 Conditionally permitted facilities.

17.76.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

17.76.130 Minimum lot area, width, and frontage.

17.76.140 Maximum residential density.

17.76.150 Maximum Floor-Area Ratio.

17.76.200 Special regulations for Mini-Lot Developments, Planned Unit Developments, and large-scale developments.

17.76.210 Other zoning provisions.

17.76.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-2 Civic Center Zone Regulations. The Civic Center (S-2) Zone is intended to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses, and is typically appropriate to portions of the Oakland Central District and to outlying areas of public facilities. These regulations shall apply in the S-2 Zone.

(Prior planning code § 6150)

17.76.050 Permitted activities.

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

B. Civic Activities:

Essential Service (Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, 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)

D. Agricultural and Extractive Activities:

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

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.76, 1996; prior planning code § 6153)

17.76.060 Conditionally permitted activities.

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

A. Residential Activities:

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

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

Emergency Shelter

C. Commercial Activities:

Personal Instruction and Improvement Services and ~~Small Scale Entertainment~~

17.76.080 Conditionally permitted facilities.

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

C. Telecommunications:

Macro Telecommunications

Monopole Telecommunications

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.84, 1996; prior planning code § 6156)

17.76.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

See Section 17.102.230.

(Prior planning code § 6159)

17.76.130 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.03.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 6164)

17.76.140 Maximum residential density.

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

- B. Conditionally Permitted Density. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:
1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
 2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

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

17.76.150 Maximum Ffloor-Aarea Rratio.

The maximum Ffloor-Aarea Rratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum Ffloor-Aarea Rratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio (FAR). The maximum permitted FAR floor-area ratio is 3.50, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- B. Conditionally Permitted Floor-Area Ratio (FAR). The FAR floor-area ratio permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:
1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
 2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6167)

17.76.200 Special regulations for Mmini-Llot Ddevelopments, Planned Unit Ddevelopments, and large-scale developments.

- A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain of the regulations otherwise applying to individual lots in the S-2 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Ddevelopment regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-2 Zone, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.
- C. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, ~~or a new building or portion thereof of more than one hundred twenty (120) feet in height,~~ shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to development where a valid Planned Unit Ddevelopment permit is in effect.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 6173)

17.76.210 Other zoning provisions.

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-2 Zone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the S-2 Zone.

Chapter 17.78 S-3 RESEARCH CENTER ZONE REGULATIONS

Sections:

17.78.010 Title, purpose, and applicability.

17.78.030 Permitted activities.

17.78.050 Permitted facilities.

17.78.060 Conditionally permitted facilities.

17.78.065 Special regulations applying to Extensive Agriculture.

17.78.070 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

17.78.080 Performance standards for Commercial Activities.

17.78.090 Limitations on Signs.

17.78.100 Minimum lot area, width, and frontage.

17.78.110 Maximum Floor-Area Ratio.

17.78.130 Minimum yards.

17.78.140 Buffering and landscaping.

17.78.150 Other zoning provisions.

17.78.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-3 Research Center Zone Regulations. The Research Center (S-3) Zone is intended to create, preserve, and enhance areas devoted primarily to conference, research, administrative, and recreational activities in attractive surroundings conducive to such pursuits, and is typically appropriate to relatively secluded locations. These regulations shall apply in the S-3 Zone.

(Prior planning code § 6200)

17.78.030 Permitted activities.

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

A. Civic Activities:

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

Nonassembly Cultural

C. Agricultural and Extractive Activities:

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

17.78.050 Permitted facilities.

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

C. Telecommunications

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.81, 1996; prior planning code § 6205)

17.78.070 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

See Section 17.102.230.

(Prior planning code § 6209)

17.78.100 Minimum lot area, width, and frontage.

Every lot shall have a minimum lot area of two (2) acres and a minimum lot width mean of one hundred (100) feet. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6214)

17.78.110 Maximum Floor-Area Ratio.

The maximum Floor-Area Ratio (FAR) of any facility shall be 0.50.

(Prior planning code § 6217)

17.78.130 Minimum yards.

The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

- A. Front Yard. The minimum front yard depth on every lot shall be fifty (50) feet.
- B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be fifty (50) feet.

- C. Side Yard—Interior Lot Line. The minimum width of the side yard along any single interior side lot line of any lot shall be twenty (20) feet. The minimum combined width of both such side yards shall be fifty (50) feet.
- D. Rear Yard. The minimum rear yard depth on every lot shall be thirty (30) feet, except that the minimum rear yard depth shall be fifty (50) feet along any portion of a rear lot line which abuts a lot in any Residential Zone.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 6220)

17.78.140 Buffering and landscaping.

- A. General Requirements. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.
- B. Buffer Strip. A strip of dense landscaping not less than five and one-half (5½) feet high and ten (10) feet wide, and including trees, shall be provided along all lot lines which abut a lot in any Residential Zone, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
- C. Landscaping Coverage. A minimum of forty percent (40%) of the lot area of each lot shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 6222)

17.78.150 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-3 Zone.
- E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-3 Zone.

(Ord. 12884 § 2 (part), 2008; amended during 1997 codification; Ord. 11807 § 5 (part), 1995; prior planning code § 6224)

Chapter 17.80 S-4 DESIGN REVIEW COMBINING ZONE REGULATIONS

Sections:

17.80.010 Title, purpose, and applicability.

17.80.020 Zones with which the S-4 Zzone may be combined.

17.80.030 Required design review process.

17.80.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-4 Ddesign Rreview Ceombining Zzone Rregulations. The Design Review Combining (S-4) Zzone is intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance. These regulations shall apply in the S-4 Zzone, and are supplementary to the regulations applying in the zones with which the S-4 Zzone is combined.

(Prior planning code § 6250)

17.80.020 Zones with which the S-4 Zzone may be combined.

The S-4 Zzone may be combined with any other zone.

(Prior planning code § 6251)

17.80.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure in the S-4 combining zone shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

(Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12501 § 58, 2003; prior planning code § 6252)

Chapter 17.82 S-6 MOBILE HOME COMBINING ZONE REGULATIONS

Sections:

17.82.010 Title, purpose, and applicability.

17.82.020 Zones with which the S-6 Zzone may be combined.

17.82.030 Additional permitted facilities.

17.82.040 Mobile Home park standards.

17.82.050 Mobile Home site standards.

17.82.010 Title, purpose, and applicability.

The provisions of this Cchapter shall be known as the S-6 Mmobile Hhome park Combining Zzone Regulations. The Mobile Home Combining (S-6) Zzone is intended to create, preserve, and enhance areas containing attractive Mobile Home Pparks, and is typically appropriate to a variety of living environments with good access to major thoroughfares. These regulations shall apply in the S-6 Zzone, and are supplementary to the regulations applying in the zones with which the S-6 Zzone is combined.

(Prior planning code § 6350)

17.82.020 Zones with which the S-6 Zzone may be combined.

The S-6 Zzone may be combined only with a Residential or Commercial Zzone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6351)

17.82.030 Additional permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted in addition to those permitted in the zones with which the S-6 Zzone is combined:

A. Residential Facilities:

Mobile Home.

(Prior planning code § 6355)

17.82.040 Mobile Home park standards.

- A. Minimum Size. Mobile Home Residential Facilities shall not be located on any lot having a lot area of less than forty-five thousand (45,000) square feet.
- B. Maximum Density. The maximum density in a Mobile Home Ppark shall be one (1) Mobile Home for each three thousand three hundred (3,300) square feet of lot area in such park.
- C. Minimum Usable Open Space. Group usable open space shall be provided in the minimum amount of three hundred (300) square feet per Mobile Home. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of one hundred

fifty (150) square feet per Mobile Home. All required space shall conform to the standards for required usable open space in Chapter 17.126.

- D. Landscaping. All areas in a Mobile Home park which are not devoted to Mobile Home pads, walkways, driveways, parking or loading areas, patios, usable open space, or recreation or service facilities shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124. Dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide shall be provided along all lot lines, exclusive of necessary walkways and driveways, subject to the standards for required landscaping and screening and the exceptions stated therein.
- E. Walkways. Walkways shall provide direct access between abutting streets and all individual Mobile Home sites.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6358)

17.82.050 Mobile Home site standards.

The site for each individual Mobile Home shall have a minimum area of two thousand (2,000) square feet and a minimum width mean of thirty (30) feet. No Mobile Home shall be closer than twenty (20) feet to any other Mobile Home or to any street line, nor closer than ten (10) feet to any lot line other than a street line.

(Prior planning code § 6359)

Chapter 17.84 S-7 PRESERVATION COMBINING ZONE REGULATIONS

Sections:

17.84.010 Title, purpose, and applicability.

17.84.020 Zones with which the S-7 Zzone may be combined.

17.84.040 Design review criteria for construction or alteration.

17.84.050, 17.84.060 Reserved.

17.84.070 Duty to keep in good repair.

17.84.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-7 Preservation Combining Zzone Regulations. The Preservation Combining (S-7) Zone is intended to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the City. These regulations shall apply in the S-7 Zone, and are supplementary to the provisions of Section 17.136.070 and to the other regulations applying in the zones with which the S-7 Zone is combined.

(Ord. 12776 § 3, Exh. A (part), 2006; prior planning code § 6400)

17.84.020 Zones with which the S-7 Zzone may be combined.

The S-7 Zone may be combined with any other zone.

(Prior planning code § 6401)

17.84.040 Design review criteria for construction or alteration.

In the S-7 Zone, proposals requiring regular design review approval pursuant to Section 17.84.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional design review criteria:

- A. That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, color, materials, texture, lighting, detailing and ornamentation, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.
- B. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities. Consideration shall be given to integration with, and subordination to, the desired overall character of any such area or grouping of facilities. All design elements or effects specified in Subsection A. of this Section shall be so considered.

- C. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally-related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(Ord. 12776 § 3, Exh. A (part), 2006; Ordinance 12513 Attach. A (part), 2003; Prior planning code § 6403)

17.84.070 Duty to keep in good repair.

Except as otherwise authorized under Sections 17.84.030 and 17.84.050, the owner, lessee, or other person in actual charge of each structure in the S-7 Zone shall keep in good repair all of the exterior portions thereof, as well as all interior portions the maintenance of which is necessary to prevent deterioration and decay of any exterior portion.

(Prior planning code § 6406)

Chapter 17.90 S-10 SCENIC ROUTE COMBINING ZONE REGULATIONS

Sections:

17.90.010 Title, purpose, and applicability.

17.90.020 Zones with which the S-10 Zzone may be combined.

17.90.030 Required design review process.

17.90.050 Design review criteria.

17.90.060 Restriction on subdivisions in the Shepherd Canyon Corridor.

17.90.070 Restriction of height on downslope lots.

17.90.080 Conditional use permit for waiver of certain requirements in the Shepherd Canyon Corridor.

17.90.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-10 Scenic Route Combining Zzone Regulations. The Scenic Route Combining (S-10) Zzone is intended to create, preserve, and enhance areas where hillside terrain, wooded canyons and ridges, and fine vistas or panoramas of Oakland, neighboring areas, or the Bay can be seen from the road, and is typically appropriate to roads along or near ridges, or through canyons, of the Oakland Hills which roads have good continuity and relatively infrequent vehicular access from abutting properties. These regulations shall apply in the S-10 Zzone, and are supplementary to the regulations applying in the zones with which the S-10 Zzone is combined.

(Prior planning code § 6550)

17.90.020 Zones with which the S-10 Zzone may be combined.

The S-10 Zzone may be combined with any other zone.

(Prior planning code § 6551)

17.90.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.90.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the~~

~~additional provisions in Section 17.90.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

(Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12501 § 62, 2003; prior planning code § 6552)

17.90.050 Design review criteria.

In the S-10 Zzone, proposals requiring regular design review approval pursuant to Section 17.90.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to both of the following additional criteria:

- A. That the siting, grading, and design will, to the maximum extent feasible, preserve existing live trees and other desirable natural features;
- B. That the proposed development will, as far as practicable, maintain existing vistas or panoramas which can be seen from the abutting public road and maintain the visual value of the total setting or character of the surrounding area.

(Ord. 12776 § 3, Exh. A (part), 2006; prior planning code § 6562)

17.90.060 Restriction on subdivisions in the Shepherd Canyon Corridor.

Within the area shown as "RH-3, S-10" on Map 4 of the Shepherd Canyon Corridor Plan adopted by the City Council, no land shall be subdivided into two or more lots, and no lot line shall be moved more than five (5) feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

- A. That the proposal is consistent in all significant respects with the Shepherd Canyon Corridor Plan; and
- B. That every reasonable effort has been made to locate the building sites so as to maximize the conservation of open space which is valuable for visual, recreational, ecological, drainage, or safety purposes.

The above requirement is in addition to all applicable substantive and procedural regulations of the Oakland Municipal Code with respect to subdivisions and parcel maps. However, a conditional use permit is not required in cases where a Planned Unity Development permit authorizing the proposal has been granted pursuant to the Planned Unity Development procedure in Chapter 17.140.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6564)

17.90.070 Restriction of height on downslope lots.

The following height restriction shall apply to each lot which abuts Grizzly Peak Boulevard, Skyline Boulevard, or Tunnel Road and which has an average elevation of finished grade less than the average elevation of the nearest edge of the paved roadway of such boulevard or road. Except for the projections allowed by Section 17.108.030 and for any fence, dense hedge, or barrier or similar freestanding wall that does not exceed forty-two (42) inches in height above any point on the nearest edge of the aforesaid roadway, no building or other facility or portion thereof shall extend above any line beginning three (3) feet above any point on the nearest edge of the aforesaid roadway and extending outward at right angles to said edge and downward over the lot at an angle of six (6) degrees to the horizontal.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6569)

17.90.080 Conditional use permit for waiver of certain requirements in the Shepherd Canyon Corridor.

The following provisions shall apply within the area shown as "RH-3, S-10" on Map 4 of the Shepherd Canyon Corridor Plan adopted by the City Council:

- A. Basic Provisions. Subject to the provisions of Subsection B₂ of this Section, the maximum height and the minimum yard and lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a subdivision or development, and parking may be located within the subdivision or development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:
 - 1. That the waiver or modification will promote an improved arrangement of structures and circulation which will preserve and enhance open space, for visual, recreational, ecological, drainage, or safety purposes, more effectively than what the standard requirements would allow; and
 - 2. That there is adequate provision for maintenance of the open space and other facilities within the subdivision or development.
- B. Minimum Size Under This Procedure. A conditional use permit pursuant to Subsection A₂ of this Section may be granted only if the total land area of the subdivision or development is less than four (4) acres.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6573)

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

Sections:

17.92.010 Title, purpose, and applicability.

17.92.020 Zones with which the S-11 Zzone may be combined.

17.92.030 Required design review process.

17.92.050 Design review criteria.

17.92.060 Limitations on residential density.

17.92.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-11 Ssite Ddevelopment and Design Rreview Combining Zzone Regulations. The Site Development and Design Review Combining (S-11) Zone is intended to create, preserve, and enhance areas subject to the North Oakland Hill Area Specific Plan adopted by the City Council and to assure that development there is sensitively integrated with the land forms, view corridors, and vegetation masses. These regulations shall apply in the S-11 Zone and are supplementary to the regulations applying in the zones with which the S-11 Zone is combined.

17.92.020 Zones with which the S-11 Zzone may be combined.

The S-11 Zzone may be combined with any other zone.

17.92.030 Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.92.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.92.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

17.92.050 Design review criteria.

In the S-11 Zone, proposals requiring regular design review approval pursuant to Section 17.92.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to the following additional criteria:

- E. That the proposal will involve the minimum possible amount of grading, consistent with the attainment of other criteria set forth in this Section, and that an acceptable grading and/or erosion and sedimentation control plan, where required, has been or will be submitted;
- F. That, in conjunction with criterion E of this Section, retaining walls of excessive height and/or length will be avoided. Projects involving retaining walls over eight (8) feet in height and/or grading or removal of material in excess of five hundred (500) cubic yards shall be referred to the Director of City Planning for regular design review pursuant to Chapter 17.136;
- G. That fire hydrants will be provided consistent with the City of Oakland Fire Prevention Bureau's requirements;
- J. That if the proposal involves creating driveway access to Grizzly Peak Boulevard, Skyline Boulevard, Tunnel Road, or Shepherd Canyon Road, it will meet the same criteria as are specified in Subsections A₂ and B₂ of Section 17.90.040.

17.92.060 Limitations on residential density.

- A. Overall Density. The maximum overall number of dwelling units within any development shall be 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 A₂ of Section 17.142.110 and the first three sentences of Subsection B₂ 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 Secondary Units in the S-11 Zone as may be approved in accordance with the standards, criteria and conditions in Section 17.103.080.

Chapter 17.94 S-12 RESIDENTIAL PARKING COMBINING ZONE REGULATIONS

Sections:

- 17.94.010 Title, purpose, and applicability.
- 17.94.020 Zones with which the S-12 Zzone may be combined.
- 17.94.030 Activities to which S-12 Zzone regulations apply.
- 17.94.040 Off-street parking regulations—Residential Activities.
- 17.94.060 Parking spaces.
- 17.94.070 Maneuvering aisles.
- 17.94.080 Driveways.
- 17.94.090 Other dimensional requirements.
- 17.94.100 On-street parking regulations.
- 17.94.110 Alternate parking layouts.
- 17.94.130 Exceptions, variances, and appeals.

17.94.010 Title, purpose, and applicability.

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

(Prior planning code § 6650)

17.94.020 Zones with which the S-12 Zzone may be combined.

The S-12 Zone may be combined with any other zone in which Residential Facilities are permitted or conditionally permitted.

(Prior planning code § 6651)

17.94.030 Activities to which S-12 Zzone regulations apply.

The driveway regulations set forth in Section 17.94.080, the on-street parking regulations set forth in Section 17.94.100, and the related review and approval by the City Traffic Engineer set forth in Section 17.94.120, shall apply to all activities located in the S-12 Zone. All other provisions of the S-12 Zone shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family

Dwelling, or Multifamily Dwelling Residential Facility. The off-street parking requirements of all other activities located in the S-12 Zone shall be as set forth in Chapter 17.116.

(Ord. 12501 § 66, 2003; prior planning code § 6652)

17.94.040 Off-street parking regulations—Residential Activities.

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

- B. Visitor Parking. Where the basic requirement of Subsection A₁ of this Section is five (5) spaces or more, an additional 0.2 spaces shall be provided for each dwelling unit in the facility, rounded to a whole number in accordance with the rules of Section 17.116.050. Such parking spaces shall be designated and permanently maintained for the use of visitors of the facility.
- C. Handicapped Parking. Handicapped parking spaces shall be provided pursuant to the provisions of the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title 24 of the California Administrative Code. Such spaces shall count towards the requirements of Subsections A₁ and B₁ of this Section, and shall not be in addition to those requirements.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12501 § 67, 2003; Ord. 11861 § 6, 1996; prior planning code § 6655)

17.94.060 Parking spaces.

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

- A. Types of Parking Spaces and Dimensions. Four types of parking spaces are defined for required parking in the S-12 Zone: regular, intermediate, compact, and handicapped. Such spaces shall have the minimum dimensions set forth below, measured in feet.

Type of Parking Space	All Parking Except Parallel Length	All Parking Except Parallel Width	Parallel Parking Length	Parallel Parking Width
Regular	18	8½	22	8
Intermediate	16½	8	20½	7½

Compact	15	7½	19	7
Handicapped	*	*	*	*

* As set forth in the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title 24 of the California Administrative Code.

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

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

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

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

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

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12501 § 68, 2003: prior planning code § 6661)

17.94.070 Maneuvering aisles.

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

A. Maneuvering Aisle Width. The width of maneuvering aisles serving regular, intermediate, and compact parking spaces shall be as set forth in Subsections (A)(1)

through (A)(5) of this Section. The width of maneuvering aisles serving handicapped parking spaces shall be as set forth in the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title 24 of the California Administrative Code.

1. Where parking is parallel: eleven (11) feet;
 2. Where parking is at an angle of forty-five (45) degrees or less: twelve (12) feet;
 3. Where parking is at an angle of sixty (60) degrees or less but more than forty-five (45) degrees: fifteen (15) feet;
 4. Where parking is at an angle of seventy-five (75) degrees or less but more than sixty (60) degrees: eighteen (18) feet;
 5. Where parking is at an angle of ninety (90) degrees or less but more than seventy-five (75) degrees: twenty-one (21) feet.
- B. Alternate Maneuvering Aisle and Parking Space Widths. Except for parallel parking, the maneuvering aisle width required by Subsection A₁ of this Section may be reduced by one (1) foot, provided that all parking spaces served by the maneuvering aisle, other than handicapped spaces, are increased in width by one-half (1/2) foot.
- C. Additional Maneuvering Aisle Length. An additional five (5) feet of maneuvering aisle length beyond the end stall farthest from the street shall be provided whenever the maneuvering aisle width required by Subsection A₁ of this Section is reduced in accordance with Subsection B₁ of this Section, if both of the following conditions are present:
1. Backing up to the street is prohibited by Section 17.116.250; and
 2. A vehicle parked in the end stall farthest from the street would not otherwise be able to maneuver into a forward facing position in four movements or less. A movement, for purposes of this Section, shall be defined as the continuous travel of a vehicle in a single direction from starting point to stopping point.

(Ord. 12501 § 69, 2003: prior planning code § 6662)

17.94.080 Driveways.

The requirements of this Section shall apply to all activities located in the S-12 Zone, and supersede the minimum driveway width set forth in Section 17.116.210 of the zoning regulations and the requirements for driveway openings set forth in Subsections A₁ and B₁ of Section 12.04.270 of the Oakland Municipal Code.

- A. Requirement for One-Lane Driveway. Except as provided in Subsections B₁ and C₁ of this Section, any driveway located in the S-12 Zone shall be a one-lane driveway.
- B. Requirement for Two-Lane Driveway. A driveway that provides both ingress from and egress to a minimum number of required off-street parking spaces shall be a two-lane driveway, such minimum number of spaces depending upon the classification of the street to which the driveway provides access, as indicated in the Land Use and Transportation Circulation Element of the Oakland General Comprehensive Plan. The minimum number of spaces served requiring a two-lane driveway shall be as set forth below.
 1. On arterial streets: ten (10) spaces;
 2. On collector streets: fifteen (15) spaces;

3. On all other streets: twenty (20) spaces.
- C. Requirement for Wider Driveway at Discretion of City Traffic Engineer. At his or her discretion, pursuant to Section 17.94.120, the City Traffic Engineer may require a two-lane driveway for off-street parking facilities which would ordinarily require a one-lane driveway; and may require a wider driveway and driveway opening for a Nonresidential Facility located in the S-12 Zone if such driveway and driveway opening serve vehicular activities other than, or in addition to, the parking of automobiles. The width of such nonresidential driveway and driveway opening shall not exceed thirty-five (35) feet, as specified in Section 17.09.270A of the Oakland Municipal Code.
- D. Number of Driveways and Driveway Openings. All activities located in the S-12 Zone shall be limited to a single driveway, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that:
 1. One or more of the driveways providing ingress to and egress from the required parking spaces would be one-way; or
 2. The activity occupies a facility which contains two (2) or more separate parking areas between which direct vehicular travel is not possible; or
 3. The number of parking spaces served is greater than or equal to twice the minimum number of spaces for which a two-lane driveway is required by Subsection B₂ of this Section, in which case one two-lane driveway may be provided for each multiple of such minimum number; or
 4. The City Traffic Engineer determines that more than one driveway is necessary to ensure the safe and efficient operation of the activity.
- E. Definition of One-Lane and Two-Lane Driveway. For purposes of this Section, a one-lane driveway shall be not less than nine (9) feet wide and not more than ten (10) feet wide, and its associated driveway opening shall be ten (10) feet wide; a two-lane driveway and its associated driveway opening shall be not less than eighteen (18) feet wide and not more than nineteen (19) feet wide.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6663)

17.94.090 Other dimensional requirements.

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

- A. Clear Space Next to a Wall or Other Obstruction. Where a regular, intermediate, or compact parking space is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle, and where such parking space abuts a wall or other similar obstruction which might interfere with pedestrian access to the space, a clear area shall be provided for the full length of the space on the same side as the wall or other obstruction; provided, however, that posts and other similar structural members may be located immediately adjacent to a required parking space when allowed by Subsection B₂ of this Section. For regular and intermediate spaces, the width of the clear area shall be two (2) feet, and for compact spaces, the width of the clear area shall be one and one-half (1½) feet. The requirements of this Subsection

supersede the requirement of Section 17.116.200A for additional width of a regular parking space which abuts a wall or other, similar obstruction.

- C. **Vertical Clearance.** All parking spaces, maneuvering aisles, and driveways shall have a full vertical clearance of no less than six feet eight inches (6'8"); provided, however, that the vertical clearance of no more than fifty percent (50%) of the required parking spaces may be reduced to no less than four (4) feet for a horizontal distance of no more than four (4) feet from the end of the space opposite the maneuvering aisle. Such reduced vertical clearance is not permitted for the independent parking space of any pair of tandem parking spaces.

(Ord. No. 13054, § 2(Exh. A), 3-15-2011; prior planning code § 6664)

17.94.100 On-street parking regulations.

The requirements of this Section shall apply to all activities located in the S-12 Zone, and supersede the minimum driveway separations set forth in Subsections C₂ and D₂ of Section 12.04.270 of the Oakland Municipal Code.

- A. **Requirement to Maximize On-Street Parking Spaces.** The placement of driveway openings, fire hydrants, street trees, lampposts, signs, and any other potential obstacles to the usability of on-street parking shall be arranged so as to maximize the number of usable on-street parking spaces immediately in front of, and adjacent to, the lot containing the activity. Where the lot containing the activity has frontage on more than one street, the number of usable on-street parking spaces shall be maximized along all frontages. The method for calculating the number of required usable on-street parking spaces shall be as set forth in Subsection B₂ of this Section.
- B. **Calculation Rules for Required On-Street Parking Spaces.** The number of usable on-street parking spaces required by Subsection A₂ of this Section shall be determined as set forth in steps 1 through 4 below. All measurements shall be in feet.
1. Measure the distance between the nearest parking obstructions on either side of the lot containing the activity.
 2. Subtract the width of the driveway opening or openings provided pursuant to Section 17.94.080, plus one and one-half (1½) feet on either side of each driveway opening.
 3. Subtract the width of any other parking obstructions immediately in front of the lot that presently exists or that would be constructed, located, or moved in conjunction with construction of the proposed driveway opening or openings.
 4. Divide the number obtained in step 3 by twenty (20) feet.

The number thus obtained, disregarding any fractional part thereof, shall be the number of usable on-street parking spaces required by Subsection A₂ of this Section.

- C. **Definition of Parking Obstructions.** For purposes of this Section, parking obstructions are any features, other than posted time limitations, which preclude or restrict the parallel on-street parking of an automobile, including, but not limited to, the following:
1. Any existing driveway opening plus one and one-half (1½) feet on either side;
 2. Any existing or required fire hydrant plus five (5) feet on either side;
 3. Any marked or unmarked crosswalk, plus a distance on either side to be determined by the City Traffic Engineer;

4. Any red, yellow, green, white, blue, or other colored curb established by the City Traffic Engineer;
 5. Any area posted by the City Traffic Engineer for "No Parking Any Time";
 6. Any posted bus stop, the length of which shall be determined by the City Traffic Engineer if the curb is not marked;
 7. Any handicapped curb cut, plus a distance on either side to be determined by the City Traffic Engineer;
 8. Any metered parking space established by the City Traffic Engineer;
 9. Any parking space signed or marked by the City Traffic Engineer for angle parking;
 10. At approximate right-angle intersections, the curb return plus the area between the curb return and a point the following distance from the intersection of the curb lines projected: twenty (20) feet on the near side of the intersection, or ten (10) feet on the far side of the intersection, measured in the normal direction of vehicular travel. If no curb exists, the edge of the roadway where such curb return and the area specified above would be located;
 11. Any section of curb or roadway edge located between any two parking obstructions as defined in Subsections (C)(1) through (C)(10) of this Section, that is currently, and that will remain, too short to be a usable on-street parking space as defined in Subsection D₁ of this Section;
 12. Any section of curb or roadway edge along which the City Traffic Engineer determines that it is unsafe to park an automobile.
- D. Definition of Usable On-Street Parking Space. For purposes of this Section, a usable on-street parking space is a section of unmarked curb or roadway edge twenty (20) feet in length which does not contain any of the parking obstructions defined in Subsection C₁ of this Section.
- E. Determination by City Traffic Engineer in Special Circumstances. Where the street frontage of the lot containing the activity is in a parking meter zone or an area signed or marked for angle parking, or where the special characteristics of the proposed activity would preclude maximizing the number of usable on-street parking spaces, or in other special circumstances where the rules of Subsection B₁ of this Section cannot reasonably be applied, the number of required usable on-street parking spaces, and the required placement of driveway openings and other potential obstacles to usable on-street parking shall be determined by the City Traffic Engineer.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6665)

17.94.110 Alternate parking layouts.

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

- A. The number of off-street parking spaces required by Section 17.94.040 are provided in the mixture of types set forth in Section 17.94.060B; and

- B. The alternate parking layout is approved by the City Traffic Engineer pursuant to Section 17.94.120.

(Prior planning code § 6670)

17.94.130 Exceptions, variances, and appeals.

- A. Exceptions Within Street Right-of-Way. Exceptions from the provisions of the S-12 Zone regulations pertaining to required on-street parking, driveways, driveway openings, and any other features located within the street right-of-way shall be considered by the City Traffic Engineer. The decision of the City Traffic Engineer may be appealed to the Driveway Appeals Board. The decision of the Driveway Appeals Board may be appealed to the Planning Commission, whose decision shall be final, pursuant to the procedures set forth in Sections 12.04.300 and 12.04.310 of the Oakland Municipal Code.
- B. Variances Outside Street Right-of-Way. Variances from the provisions of the S-12 Zone pertaining to required off-street parking spaces, maneuvering aisles, driveways, and other features located outside the street right-of-way shall be considered pursuant to the variance procedure in Chapter 17.148 of the zoning regulations.
- C. Appeal of Determination of City Traffic Engineer and/or Director of City Planning. In situations where the City Traffic Engineer and/or Director of City Planning makes a determination or imposes a requirement pursuant to the S-12 Zone regulations, an appeal of such determination or requirement shall be considered pursuant to Subsection A. and/or B. of this Section as appropriate.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6674)

Chapter 17.97 S-15 TRANSIT-ORIENTED DEVELOPMENT ZONES REGULATIONS

Sections:

17.97.010 Title, purpose, and applicability.

17.97.030 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.

17.97.040 Permitted and conditionally permitted activities.

17.15.050 Permitted and conditionally permitted facilities.

17.97.080 Special regulations applying to certain Commercial and Industrial Activities.

17.97.090 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

17.97.100 Use permit criteria.

17.97.110 Limitations on Signs, marquees, awnings.

17.97.120 Minimum lot area, width, and frontage.

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

17.97.140, 17.97.150 Reserved.

17.97.160 Minimum yards and courts.

17.97.180 Buffering and landscaping.

17.97.190 Special regulations for Mini-Lot Developments.

17.97.200 Special regulations for large-scale developments.

17.97.210 Other zoning provisions.

17.97.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-15 Transit-Oriented Development Zones Regulations. The Transit-Oriented Development (S-15) Zones are intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of Residential, Civic, Commercial, and Light Industrial Activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as Bay Area Rapid Transit (BART) stations, AC Transit centers, and other transportation nodes. These regulations shall apply in the S-15 Zones.

(Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6350)

17.97.030 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one (1) acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.97.100 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a Planned Unity Development permit pursuant to Chapters 17.140 and 17.142, and shall be subject to the following special regulations:

17.97.040 Permitted and conditionally permitted activities.

Table 17.97.01 lists the permitted, conditionally permitted, and prohibited activities in the S-15 Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.97.01: Permitted and Conditionally Permitted Activities

Activities	Zone		Additional Regulations
	S-15	S-15W	
Residential Activities			
Permanent	P	P	
Residential Care	<u>P(L1)C</u>	<u>P(L1)C</u>	<u>17.103.010</u>
Service-Enriched Permanent <u>Supportive Housing</u>	<u>P(L1)C</u>	<u>P(L1)C</u>	
Transitional Housing	<u>P(L1)C</u>	<u>P(L1)C</u>	17.103.010
Emergency Shelter	—	—	17.103.010
Semi-Transient	—	—	
Bed and Breakfast	—	—	17.10.125
Civic Activities			
Essential Service	<u>P(L23)</u>	<u>P(L23)</u>	
Limited Child-Care Activities	P	P	
Community Assembly	P	P	
Recreational Assembly	P	P	
Community Education	P	P	
Nonassembly Cultural	P	P	

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Activities	Zone		Additional Regulations
	S-15	S-15W	
Administrative	P	P	
Health Care	P	P	
Special Health Care	—	—	17.103.020
Utility and Vehicular	C	C	
Extensive Impact	C	C	
Commercial Activities			
General Food Sales	P	P	
Full Service Restaurants	P	P	
Limited Service Restaurant and Cafe	P	P	
Fast-Food Restaurant	C	C	17.103.030 and 8.09
Convenience Market	C	C	17.103.030
Alcoholic Beverage Sales	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	
Medical Service	P	P	
General Retail Sales	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	
Consumer Service	P	P	17.102.170 and 17.102.450
Consultative and Financial Service	P	P	
Check Cashier and Check Cashing	—	—	
Consumer Cleaning and Repair Service	C	C	
Consumer Dry Cleaning Plant	C	C	
Group Assembly	P	P	
Personal Instruction and Improvement Services	P	P	
Administrative	P	P	
Business, Communication, and Media Services	P	P	
Broadcasting and Recording Services	P	P	
Research Service	—	C	
General Wholesale Sales	—	C	
Transient Habitation	C	C	17.103.050

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Activities	Zone		Additional Regulations
	S-15	S-15W	
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	C	C	
Animal Boarding	C	C	
Animal Care	C	C	
Undertaking Service	—	—	
Industrial Activities			
Custom Manufacturing	C	P	
Light Manufacturing	—	C	
General Manufacturing	—	—	
Heavy/High Impact	—	—	
Research and Development	—	C	
Construction Operations	—	—	
Warehousing, Storage, and Distribution-Related			
A. General Warehousing, Storage and Distribution	—	—	
B. General Outdoor Storage	—	—	
C. Self- or Mini-Storage	—	—	
D. Container Storage	—	—	
E. Salvage/Junk Yards	—	—	
Regional Freight Transportation	—	—	
Trucking and Truck-Related	—	—	
Recycling and Waste-Related	—	—	
A. Satellite Recycling Collection Centers	—	—	
B. Primary Recycling Collection Centers	—	—	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	
Agriculture and Extractive Activities			

Activities	Zone		Additional Regulations
	S-15	S-15W	
Limited Agriculture	P(L31)	P(L31)	
Extensive Agriculture	C(L42)	C(L42)	
Plant Nursery	—	—	
Mining and Quarrying	—	—	
Accessory off-street parking serving prohibited activities	—	—	17.116.075
Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	17.102.110

Limitations on Table 17.97.01:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

L2. Community Gardens are permitted outright if they do not include the cultivation of animals, animal products, 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).

L31. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L42. 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 CUP criteria contained in Section 17.134.050, these activities must meet the use permit criteria in Section 17.97.100.

L3. Community Gardens are permitted by right if they do not include the cultivation of animals, animal products, 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 for the CUP procedure).

17.97.050 Permitted and conditionally permitted facilities.

Table 17.97.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-15 Zzones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.97.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	S-15	S-15W	
Residential Facilities			
One-Family Dwelling	C—(L2)	—(L2)	
One-Family Dwelling with Secondary Unit	P(L3)—	P(L3)—	17.103.080
Two-Family Dwelling	C	C	
Multifamily Dwelling	P	P	
Rooming House	C—	C	
Mobile Home	—	—	
Nonresidential Facilities			
Enclosed Nonresidential	P	P	
Open Nonresidential	C(L1)	C(L1)	
Sidewalk Cafe	P	P	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
Telecommunications Facilities			
Micro Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Mini Telecommunications	P (except when a Major Conditional	C	17.128

Facilities	Zones		Additional Regulations
	S-15	S-15W	
	Use Permit is required by Section 17.128.025)		
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	—	17.128
Tower Telecommunications	—	—	17.128
Sign Facilities			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P	P	17.104
Advertising Signs	—	—	17.104

Limitations on Table 17.97.02:

L1. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L2. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

L3. A Secondary Unit that meets all requirements set forth in Section 17.103.080 is only permitted in conjunction with an existing One-Family Dwelling.

17.97.080 Special regulations applying to certain Commercial and Industrial Activities.

- A. Fast-Food Restaurants, Convenience Markets, and Certain Establishments Selling Alcoholic Beverages. See Section 17.103.030.
- B. Industrial Activities. All accessory industrial Activities, as defined in Section 17.10.040F, shall be conducted entirely within an enclosed facility.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6858)

17.97.100 Use permit criteria.

In the S-15 Zones, a conditional use permit for any activity or facility listed in Sections 17.97.030, 17.97.040, 17.97.050, and 17.97.200, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;
- B. That the proposal will encourage an appropriate mixture of Residential and/or Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;
- F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:
 - 1. ~~The a~~Auto fee parking ~~is shall be~~ part of a larger development that contains a significant amount of ~~C~~commercial and/or ~~R~~residential ~~F~~facilities;
 - 2. ~~The a~~Auto fee parking ~~is may only be~~ contained in a structured parking facility ~~of at least three stories that~~ replaces an existing at-grade parking facility;
 - 3. The new parking structure ~~shall represents~~ no more than a seventy-five percent (75%) increase of existing parking at the site;
 - 4. ~~The a~~Auto fee parking ~~is at the site shall be specifically designated by a city sponsored plan or study designed to promote a transit-oriented district as defined by the general plan;~~
 - 5. ~~Where feasible, The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking is located shall be behind and substantially visually obstructed from the principal s~~Street(s) ~~by the R~~residential and/or ~~C~~commercial ~~F~~facility or ~~F~~facilities; and
 - 6. The project ~~is shall be~~ consistent in all significant respects with the general plan's goals, objectives, and policies that promote transit-oriented development and districts.

For purposes of this ~~S~~subsection 17.97.100(F) "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the general plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three (3) or more streets, at least two (2) streets shall be designated as principal streets.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12561 § 3 (part), 2004; Ord. 11892 § 4 (part), 1996; prior planning code § 6860)

17.97.110 Limitations on Signs, marquees, awnings.

- A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Chapter 17.104

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12606 An. A (part), 2004; Ord. 11892 § 4 (part), 1996; prior planning code § 6863)

17.97.120 Minimum lot area, width, and frontage.

Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6864)

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

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

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

Regulation	Height Area										Additional Regulations
	35	45	55	60	75	90	100	120	140	160	
Maximum Height	35 ft.	45 ft.	55 ft.	60 ft.	75 ft.	90 ft.	100 ft.	120 ft.	140 ft.	160 ft.	1, 2
Height Minimum											
Permitted height minimum	<u>N/A</u> 0 ft	<u>N/A</u> 0 ft	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	<u>N/A</u>	<u>N/A</u>	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)											
Regular units	550	450	<u>350</u> 375	<u>350</u> 375	<u>250</u> 275	225	225	225	225	225	4, 5
Rooming units	275	225	<u>175</u> 185	<u>175</u> 185	<u>125</u> 135	110	110	110	110	110	4, 5
Maximum Nonresidential FAR	2.0	2.5	3.0	3.0	4.0	4.5	5.0	5.0	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	5	5	7	8	9	11	13	15	
Minimum Usable Open Space											
Group usable open space per regular unit	150	150	<u>100</u> 150	<u>100</u> 150	100	<u>75</u> 100	75	75	75	75	6
Group usable open space per regular unit when private open space substituted	30	30	<u>20</u> 30	<u>20</u> 30	20	<u>15</u> 20	15	15	15	15	6

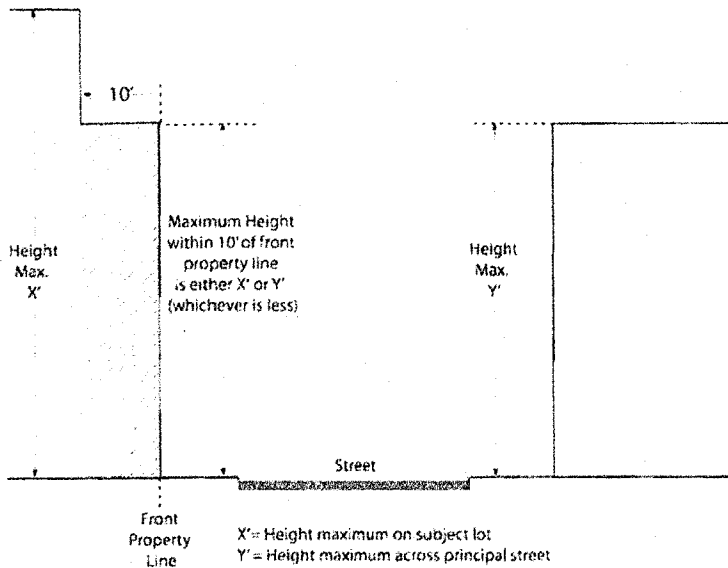
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Group usable open space per rooming unit	75	75	<u>50</u> 75	<u>50</u> 75	50	<u>38</u> 50	38	38	38	38	6
Group usable open space per rooming unit when private open space is substituted	15	15	<u>10</u> 15	<u>10</u> 15	10	<u>8</u> 10	8	8	8	8	6

Additional Regulations for Table 17.97.01:

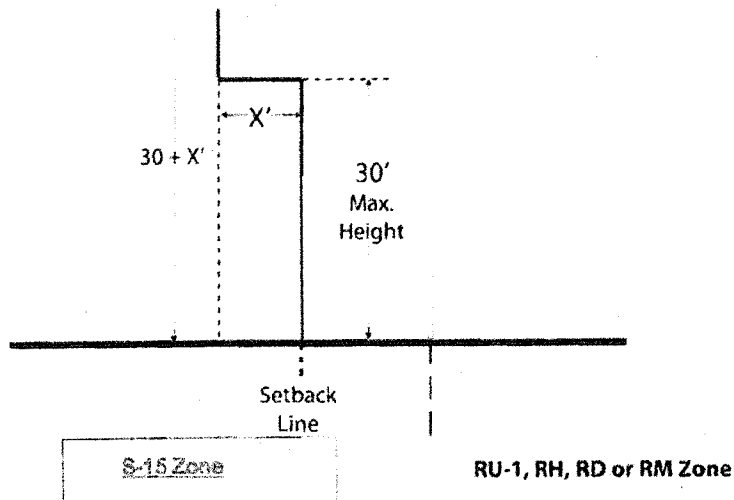
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.97.01 [Additional Regulation 1], below).

Illustration for Table 17.97.01 [Additional Regulation 1]
 *for illustration purposes only



2. 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, ~~or~~ RU-1 Zone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.35.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration Table 17.35.04 [Additional Regulation 2]
 *for illustration purposes only



3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular or Extensive Impact Civic Activities, or Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum

regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

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

5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.97.160 Minimum yards and courts.

No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130:

- A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zzone.
- B. Side Yard—Street Side or Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner is in a Residential Zzone.
- C. Side Yard—Interior Lot Line.
 - 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.
 - 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. Rear Yard.
 - 1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.
 - 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12776, § 3(Exh. A), adopted 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6870)

17.97.180 Buffering and landscaping.

- A. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.
- B. Landscaping. All uses shall be subject to the applicable requirements of the standards for required landscaping and screening, Chapter 17.124, with respect to maintenance, required materials and capacity, combination materials, and heights; and other matters specified therein.

(Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6872)

17.97.190 Special regulations for Mmini-Llot Ddevelopments.

In Mmini-Llot Ddevelopments, certain of the regulations otherwise applying to individual lots in the S-15 Zones may be waived or modified when and as prescribed in Chapter 17.142.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6873)

17.97.200 Special regulations for large-scale developments.

No development which involves more than one hundred thousand (100,000) square feet of a-new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and Section 17.97.100, or upon the granting of a Planned Unit Ddevelopment approval pursuant to Chapters 17.140 and 17.142.

(Ord. 12872 § 4 (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6875)

17.97.210 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. ~~See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.~~
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-15 Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12884 § 2 (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; amended during 1997 codification; prior code § 6876)

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

Sections:

17.99.010 Title, purpose and applicability.

17.99.020 Zones with which the S-17 Zzone may be combined.

17.99.030 Definitions.

17.99.040 Permitted categories of usable open space.

17.99.050 Usable open space standards for residential development.

17.99.060 Landscaping requirements.

17.99.070 Conformance with design guidelines.

17.99.010 Title, purpose and applicability.

The provisions of this Cchapter shall be known as the S-17 Downtown Residential Open Space Combining Zzone Regulations. The Downtown Residential Open Space Combining (S-17) Zzone is intended to provide open space standards for residential development that are appropriate to the unique density, urban character and historic character of the Central Business District. These regulations shall apply in the S-17 Zzone, and are supplementary to the regulations applying in the zones with which the S-17 Zzone is combined.

(Ord. 12343 § 2 (part), 2001)

17.99.020 Zones with which the S-17 Zzone may be combined.

The S-17 Zzone may be combined with the portion of any zoning district that is located within the General Plan-designated Central Business District.

(Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12343 § 2 (part), 2001)

17.99.030 Definitions.

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

17.99.040 Permitted categories of usable open space.

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

17.99.050 Usable open space standards for residential development.

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

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- A. **Area.** On each lot containing Residential Facilities with a total of two (2) or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per standard unit, fifty (50) square feet per efficiency unit, and thirty-eight (38) square feet per rooming unit.
- B. **Limitations.** Not more than twenty percent (20%) of the required area shall be provided in widened sidewalks.
- C. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Private Usable Open Space	10' (ground floor)
Public Ground-Floor Plaza	10'
Widened Sidewalk	10'*
Rooftop	15'
Courtyard	15'
Off-Site Open Space	5000 square feet

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

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

- E. **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. 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 feet high.
- F. **Accessibility.** Usable open space, other than private usable open space and off-site open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- G. **Enclosure.** Ground-level usable open space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways described in Section 17.106.020, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and

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the exceptions stated in said Chapter. However, when such screening would impair a beneficial outward and open orientation or view, with no building located opposite and within fifty (50) feet from such required screening, as measured perpendicularly therefrom in a horizontal plane, the above prescribed height may be reduced to three and one-half ($3\frac{1}{2}$) feet. Fences and walls shall not be constructed as to interfere with the access required by applicable fire prevention regulations.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12343 § 2 (part), 2001)

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

Sections:

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

17.100A.040 Prohibited land uses.

17.100A.050 General standards.

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

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

1. Housing and Business Mix (HBX) Zones;
2. D-CE-3 and D-CE-4 (Central Estuary District) Zones;
3. ~~CIX-1 (Commercial Industrial Mix-1) Zone;~~
34. CIX-1A, CIX-1B, CIX-1C, and CIX-1D (West Oakland Plan Area Commercial Industrial Mix-1A, -1B, -1C, and -1D) Zones that are within the West Oakland District (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north);
45. CIX-1 (Commercial Industrial Mix-1), CIX-2 (Commercial Industrial Mix-2), IG (General Industrial), and IO (Industrial Office) Zones ~~zoning districts~~ that are within three hundred (300) feet from any Residential, Open Space, or Institutional Zone boundary.

B. The standards of this combining zone shall apply to the following facility types:

1. All new Nonresidential Facilities or Activities;
2. Any Nonresidential Facility which has lost its legal non-conforming status;
3. Any existing facility or activity where the usable floor area is expanded by more than twenty percent (20%) after the effective date of the adoption of this Cehapter;
4. Any alteration or expansion of a facility or activity, such that it requires a new Risk Management Plan or other Hazardous Materials Business Plan.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A, 2008; Ord. 12875 § 2 (part), 2008)

17.100A.040 Prohibited land uses.

The following land use activities are prohibited within the S-19 Health and Safety Protection Combining Zone:

C. Activities which involve manufacturing, storing, or use of explosives.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A, 2008; Ord. 12875 § 2 (part), 2008)

17.100A.050 General standards.

The following additional regulations shall apply within the S-19 Health and Safety Protection Combining Zone:

- A. Storage and use of all hazardous materials and hazardous waste shall be reviewed and approved by the Fire Department prior to commencement of operation or any alteration of activity. A risk management plan may also be required, per the Certified Program Uniform Assistance (CUPA) Ordinance (O.M.C. Chapter 8.42).
- B. No storage or use of hazardous materials and waste can be located within three hundred (300) feet of a Residential, Institutional or Open Space Zone zoning district without written approval or consent of the Fire Department.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A, 2008; Ord. 12875 § 2 (part), 2008)

Chapter 17.100B S-20 HISTORIC PRESERVATION DISTRICT COMBINING ZONE REGULATIONS

Sections:

- 17.100B.010 Title, purpose, and applicability.
- 17.100B.020 Zones with which the S-20 Zzone may be combined.
- 17.100B.030 Required design review process.
- 17.100B.050 Design review criteria.
- 17.100B.060, 17.100B.070 Reserved.

17.100B.010 Title, purpose, and applicability.

The provisions of this Cchapter shall be known as the S-20 Hhistoric Ppreservation Ddistrict Combining Zzone Regulations. The Historic Preservation District Combining (S-20) Zone is intended to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the city. The S-20 Zone is similar to the S-7 Preservation Combining Zzone, but is designed for larger areas, often with a large number of residential properties that may not be individually eligible for landmark designation but which as a whole constitute a historic district. The S-20 Zone provides generally more expeditious review procedures than those provided in the S-7 Zone. These regulations shall apply in the S-20 Zone, and are supplementary to the provisions of Section 17.136.070 for designated landmarks and to the other regulations applying in the zones with which the S-20 Zone is combined; if a property is both a landmark and located in the S-20 Zone and is therefore subject to both landmark and S-20 regulations, the stricter regulations prevail.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12513 Attach. A (part), 2003)

17.100B.020 Zones with which the S-20 Zzone may be combined.

The S-20 Zone may be combined with any other zone.

(Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12513 Attach. A (part), 2003)

17.100B.030 Required design review process.

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility (see Section 17.09.040 for definition), Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Sections 17.100B.050,

17.100B.060, and 17.100B.070, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

- B. See Section 17.136.075 for design review criteria for the demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties.

17.100B.050 Design review criteria.

In the S-20 Zone, proposals requiring regular review approval pursuant to Section 17.100B.030 may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

- B. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the S-20 Historic Preservation Zone district or of neighboring facilities. Consideration shall be given to the desired overall character of any such area or grouping of facilities, including all design elements or effects specified in Subsection (A) above; and
- C. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally-related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12513 Attach. A (part), 2003)

Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONE REGULATIONS**Sections:**

17.101A.010 Title, purpose, and applicability.

17.101A.020 - Permitted and conditionally permitted activities.

17.101A.010 Title, purpose, and applicability.

- A. The provisions of this Chapter (in combination with the separate Wood Street Zoning District document adopted by City Council as part of Ordinance 12673 C.M.S that prescribes the Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District), shall be known as the D-WS Wood Street District Zone Regulations. The intent of the Wood Street District (D-WS) Zone is intended to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880.
- B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District, shall be as which are prescribed described in the original Ordinance 12673 C.M.S, amending Ordinance 13093 C.M.S, all subsequent amending Ordinances adopted by City Council, and as amended in Sections 17.101A.020 and 17.101A.030 below. All such regulation, shall apply to the area of the zoning maps with a D-WS designation.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-18-2010)

17.101A.020 Permitted and conditionally permitted activities.

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

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

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

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

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

Table 17.101A.01: Permitted and Conditionally Permitted Activities

Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Residential Activities										

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Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Permanent	P	P	P	P	—	P	P	P	—	
Residential Care	<u>P(L1)</u> C	<u>P(L1)</u> C	<u>P(L1)</u> C	<u>P(L1)</u> C	—	<u>P(L1)</u> C	<u>P(L1)</u> C	<u>P(L1)</u> C	—	17.103.010
Service-Enriched Permanent Supportive Housing	P(L1)	P(L1)	P(L1)	P(L1)	—P(L1)	P(L1)	P(L1)	P(L1)	—	17.103.010
Transitional Housing	<u>P(L1)</u> —	<u>P(L1)</u> —	<u>P(L1)</u> —	<u>P(L1)</u> —	—	<u>P(L1)</u> —	<u>P(L1)</u> —	<u>P(L1)</u> —	—	17.103.010
Emergency Shelter	—	—	—	—	—	—	—	—	—	17.103.010
Semi-Transient	—	—	—	—	—	—	—	—	—	
Bed and Breakfast										17.10.125
Civic Activities										
Essential Service	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	
Limited Child-Care	—	P	—	P	P	P	—	P	—	
Community Assembly	—	P(L2)	—	P(L2)	P(L2)	P(L2)	—	P(L2)	C(L12)	
Recreational Assembly	—	—	—	—	C	—	—	—	C(L12)	
Community Education	C	C	C	C	C	C	C	C	C	
Nonassembly Cultural	—	P	—	P	P	P	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P(L3)	—	P	—	
Health Care	—	P(L3)	—	C	C	C	—	P	—	
Special Health Care	—	—	—	—	—	—	—	—	—	17.103.020

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Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Utility and Vehicular	—	P(L4)	—	P(L4)	P(L4)	P(L3)	—	P(L4)	—	
Extensive Impact	—	—	—	—	—	—	—	—	—	
Commercial Activities										
General Food Sales	—	P(L5)	—	P(L5)	P	P(L5)	—	P(L5)	—	
Full Service Restaurant	—	P	—	P	P	P	—	P	—	
Limited Service Restaurant and Cafe	—	P	—	P	P	P	—	P	—	
Fast Food Restaurant	—	—	—	C	C	C	—	C	—	17.103.030 and 8.09
Convenience Market	—	C(L6)	—	C(L6)	C(L6)	C(L6)	—	C(L6)	—	17.103.030
Alcoholic Beverage Sales	—	C(L7)	—	C(L7)	C(L7)	C(L7)	—	C(L7)	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	—	—	—	—	
Medical Service	—	P(L8)	—	P(L8)	P(L8)	P(L8)	—	P(L8)	—	
General Retail Sales	—	P(L3)	—	P(L3)	P	P	—	P	—	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	—	—	—	—	
Consumer Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consultative and Financial	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	

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Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Service										
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consumer Dry Cleaning Plant	—	—	—	—	—	—	—	—	—	
Group Assembly	—	—	—	—	C	—	—	P	C(L12)	
Personal Instruction and Improvement Services	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P	—	P	—	
Business, Communication, and Media Service	—	C	—	C	C	C	—	P	—	
Broadcasting and Recording Service	—	C	—	C	C	C	—	P	—	
Research Service	—	C(L11)	—	—	—	—	—	P	—	
General Wholesale Sales	—	C(L11)	—	—	—	—	—	P	—	
Transient Habitation	—	—	—	—	—	—	—	P	—	17.103.050
Building Material Sales	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P	—	
Automobile and Other Light Vehicle	—	—	—	—	—	—	—	—	—	

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Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Sales and Rental										
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	—	—	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	—	—	—	—	
Animal Care	—	—	—	—	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	—	—	—	—	
Industrial Activities										
Custom Manufacturing	—	P	—	C	C	C	—	P	—	
Light Manufacturing	—	C	—	—	C	—	—	C	—	
General Manufacturing	—	—	—	—	—	—	—	C	—	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	—	—	—	
Research and Development	—	C(L11)	—	—	C	—	—	—	—	
Construction Operations	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P(L10)	—	

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Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Warehousing, Storage and Distribution-Related:										
A. General Warehousing, Storage and Distribution	—	C(L11)	—	—	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	—	—	—	—	
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	—	—	—	
Regional Freight Transportation :	—	—	—	—	—	—	—	—	—	
Trucking and Truck-Related:	—	—	—	—	—	—	—	—	—	
Recycling and Waste-Related:										
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
Hazardous Materials Production, Storage & and Waste Management-Related	—	—	—	—	—	—	—	—	—	

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Activities	Development Areas of the D-WS Zone									Addition al Regulatio ns
	1	2	3	4	5	6	7	8	9	
Agricultural and Extractive Activities										
Plant Nursery	—	—	—	—	—	—	—	—	—	
Limited Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Extensive Agriculture	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Mining and Quarrying Extractive	—	—	—	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	—	—	—	—	—	—	—	—	—	17.116.175
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof	—	—	—	—	—	—	—	—	—	17.102.110

Limitations on Table 17.101A.01:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L1. Service-Enriched Permanent Housing Residential Activities for residents aged sixty (60) years or under requires the granting of a conditional use permit (see Chapter 17.134).~~

L2. Only the following activities are permitted: 1) places of worship, churches, temples, mosques, and synagogues with a total floor area of three thousand (3,000) square feet or less; and 2) public, parochial, private, and non-profit clubs and lodges, meeting halls, recreation centers, and gymnasiums with a floor area of five thousand (5,000) square feet or less.

L3. Activities with a total floor area greater than three thousand (3,000) square feet require the granting of a conditional use permit (see Chapter 17.134), and activities with a floor area over five thousand (5,000) square feet are prohibited.

L4. Only police substations and neighborhood-servicing post offices that have a total floor area not exceeding one thousand (1,000) square feet are permitted. Other Utility and Vehicular Civic Activities are prohibited.

L5. Grocery markets shall be: 1) limited to a maximum floor area of three thousand (3,000) square feet; and 2) only be open between 6:00 AM and 10:00PM.

L6. Convenience markets shall not be greater than five thousand (5,000) square feet.

L7. Alcoholic Beverage Sales is limited to sale of beer and wine.

L8. Floor area devoted to Medical Service Commercial Activities is limited to a maximum two thousand five hundred (2,500) square feet.

L9. Retail Business supply stores shall be: 1) limited to office and art supply stores; and 2) limited to a maximum of three thousand (3,000) square feet.

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

L11. Only applies to the "Icehouse" building located in Development Area 2B.

L12. Only Passive Recreation is allowed. Active Recreation and Overnight Camping are not allowed.

L13. Community Gardens and Botanical Gardens are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L14. Limited Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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.

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

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.

17.101A.030 Property development standards.

Development Area Specific Standards. Table 17.101A.02 below prescribes development standards specific to individual Development Areas in the Wood Street Zoning District. 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 that Development Area.

Table 17.101A.02 - Development Standards Summary

Development Standards	Development Areas									Additional Regulation s
	1	2	3	4	5	6	7	8	9	
Maximum Residential Density										
Maximum Minimum Land Area per Dwelling Unit	1535.33 sf.	848.85 sf.	1217.50 sf.	613.75 sf.	N/A	549.06 sf.	679.02 sf.	331.65 sf.	N/A	1
Maximum Dwelling Units per Acre (DU/A)	28.4 DU/A	51.5 DU/A	35.8 DU/A	71.1 DU/A	N/A	79.33 DU/A	64.2 DU/A	131.3 DU/A	N/A	1
Maximum Number of Units	82	200	200	450	0	215	170	264	0	1
Minimum Residential Density (square feet of lot area required per dwelling unit)										
Minimum Land Area per Dwelling Unit	2,000 sf. (22 DU/A)	2,000 sf. (22 DU/A)	2,000 sf. (22 DU/A)	2,000 sf. (22 DU/A)	N/A	N/A	1,000 sf. (44 DU/A)	1,000 sf. (44 DU/A)	N/A	1
Maximum Nonresidential Floor Area Ratio (FAR)										
Max. FAR for Nonresidential Uses	N/A	1.38:1	N/A	2.02:1	2.00:1	2.02:1	N/A	2.947:1	N/A	3, 6, 7
Maximum Floor Area For Nonresidential Uses										
Max. Floor Area for Nonresidential Uses (sq. ft.)	0 sf.	220,779 sf.	0 sf.	40,000 sf.	70,000 sf.	6,000 sf.	0 sf.	258,000 sf.	N/A	3, 6, 7
Maximum Height										
Max. Height	65 ft.	65 ft.	50 ft.	50 ft.		65 ft.	90 ft.	90 ft.	N/A	2
Minimum Street Setbacks										
Wood Street	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	N/A	4

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Development Standards	Development Areas									Additional Regulation s
	1	2	3	4	5	6	7	8	9	
<u>12th Street</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
<u>Frontage Road</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
<u>14th Street</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
<u>Public Access Areas</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
Minimum Interior Setbacks										
<u>Min. Interior Setbacks</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>N/A</u>	<u>4</u>
Minimum Usable Open Space										
<u>Group Usable Open Space per Dwelling Unit (DU)</u>	<u>100 sf.</u>	<u>75 sf.</u>	<u>100 sf.</u>	<u>100 sf.</u>	<u>N/A</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>50 sf.</u>	<u>N/A</u>	<u>5</u>
Parking Requirements										
<u>Required Parking For Residential Uses</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>N/A 1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>1.1 spaces per DU</u>	<u>N/A</u>	
<u>Required Parking For Joint Living and Working Quarters (L/W Unit)</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>1.2 spaces per L/W Unit</u>	<u>N/A</u>	
<u>Required Parking For Nonresidential Uses</u>	<u>See Reg. 8 below</u>	<u>See Reg. 8 below</u>	<u>See Reg. 8 below</u>	<u>See Reg. 8 below</u>	<u>See Reg. 8 below</u>	<u>See Reg. 8 below</u>	<u>See Reg. 8 below</u>	<u>See Reg. 8 below</u>	<u>See Reg. 8</u>	<u>8</u>

Additional Regulations for Table 17.101A.02:

1. Density based on Regular Dwelling Units. For Efficiency Dwelling Units, the minimum allowable lot area per unit shall be the same as for Regular Dwelling Units. One additional unit is allowed if after division of the total lot area by the minimum lot area the remainder is equal to 2/3 or greater of the minimum lot area. For Rooming Units, there is no minimum density standard.

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

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

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4. For Minimum Street Setbacks, see Figure 5.24-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
5. For additional Open Space Standards applicable to the Wood Street Zoning District, see Section 5.40 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
6. For Standards applicable to Development Area 5, see Section 5.80 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
7. For Standards applicable to Development Area 9, see Section 5.90 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.
8. For Required Off-Street Parking for Nonresidential Uses, see Table 5.50-1 in the separate Wood Street Zoning District document adopted by City Council in 2005 as part of Ordinance 12673 C.M.S.

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

Sections:

- 17.101B.010 Title, purpose, and applicability.
- 17.101B.020 Permitted and conditionally permitted activities.
- 17.101B.030 Development Plans and Design Review
- 17.101B.040 Preliminary Development Plan
- 17.101B.050 Review of Preliminary Development Plan
- 17.101B.060 Final Development Plan
- 17.101B.070 Review of Final Development Plan
- 17.101B.080 Architectural Design Review for Individual Development Projects
- 17.101B.090 Modifications and Extensions to a Preliminary or Final Development Plan
- 17.101B.100 Alterations after Issuance of Certificate of Occupancy
- 17.101B.110 Maximum Residential Density
- 17.101B.120 Maximum Retail and Commercial Square Footage
- 17.101B.130 Building Height
- 17.101B.140 Yards and Setbacks
- 17.101B.150 Lot Area, Width, Frontage
- 17.101B.160 Private Open Space for Residential Uses
- 17.101B.170 Landscaping, Paving and Buffering
- 17.101B.180 Parking Requirements
- 17.101B.190 Signs

17.101B.010 Title, purpose, and applicability.

- A. The provisions of this Chapter shall be known as the D-OTN Oak to Ninth Planned Waterfront District Zone Regulations. This Chapter establishes land use regulations for the Oak to Ninth Planned Waterfront District (D-OTN) Zone, and the portion of the OS(RSP) Zone within the Oak to Ninth Mixed Use Development (also known as Brooklyn Basin).
- B. ~~The "Zoning Regulations and Standards for Development and Use of Property within the Planned Waterfront Zoning District (PWD-4) Oak to Ninth Mixed Use Development" which are attached to Ordinance 12758 C.M.S. and as amended in Section 17.101B.020, shall apply to the area designated in Ordinance 12759 C.M.S.~~ The Oak to Ninth/Brooklyn Basin Mixed Use Development is governed by the following: the zoning regulations in this Chapter; the Open Space – Regional Serving Park (OS-RSP) zoning regulations in Chapter 17.11; the Preliminary Development Plan dated February 2006 and approved on June 20, 2006; Oak to Ninth Design Guidelines; Vesting Tentative Tract Map No. 7621 dated March

8, 2006 and approved on June 20, 2006; Conditions of Approval approved on June 20, 2006; the Mitigation Monitoring Reporting Program approved on June 20, 2006, and the Development Agreement approved on June 20, 2006.

C. The specific purposes of the D-OTN Zone are to:

1. Encourage the creation of a mixed-use district within the Oak to Ninth/Brooklyn Basin Mixed Use Development that integrates a combination of residential, commercial, public open space and civic uses;
2. Establish development standards for the Oak to Ninth/Brooklyn Basin Mixed Use Development that allow Residential, Commercial, Open Space, and Civic Activities to compatibly co-exist;
3. Provide a balance of private development and public open space with convenient access to public open space and the waterfront;
4. Improve access to the waterfront and recreational opportunities along the waterfront including boat launches and marinas;
5. Encourage quality and variety in building and landscape design as well as compatibility in use and form;
6. Encourage development that is respectful of the environmental qualities that the site has to offer; and
7. Provide mid-rise and high-rise housing opportunities together with ground floor retail and commercial uses. Future development will be set back from the waterfront and will stress compatibility between residential and nonresidential uses and reflect a variety of housing and business types.

D. Public Parks, Open Space, and Civic Uses.

1. The OS (RSP) zone is the area that is designated for public parks, open space, and civic uses in the Oak to Ninth/Brooklyn Basin Mixed Use Development. Uses proposed in this zone are regulated by the City of Oakland as Trustee in consultation with the State Lands Commission which retains jurisdiction over Public Trust lands.
2. Notwithstanding the provisions of Chapter 17.11, Open Space Zoning Regulations, open space activities and facilities in the Oak to Ninth/Brooklyn Basin Mixed Use Development that would otherwise require a conditional use permit pursuant to sections 17.11.060 and 17.11.090 instead shall be approved as part of the Preliminary Development Plan or Final Development Plan.
3. Notwithstanding the provisions of Chapter 17.11, Open Space Zoning Regulations, Marinas (defined for the purposes of this Chapter as water basins with docks, mooring facilities, supplies, and equipment for boats), may be permitted in the OS (RSP) zoned areas of the Oak to Ninth/Brooklyn Basin Mixed Use Development upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
4. Notwithstanding the provisions of Municipal Code 6.04.080, dogs shall be allowed leashed in all public parks and open space areas in the D-OTN Zoning District. Dogs shall be allowed unleashed in the dog park designated in the Final Development Plan.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101B.020 Permitted and conditionally permitted activities.

Table 17.101B.01 lists the permitted, conditionally permitted, and prohibited activities in the D-OTN and OS-RSP ~~Z~~zones within the ~~Planned Waterfront Zoning District Oak to Ninth/Brooklyn Basin~~ Mixed Use Development. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101B.01: Permitted and Conditionally Permitted Activities

Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
Residential Activities			
Permanent	P	C	
Residential Care	P(L3)C	C—	17.103.010
Service-Enriched Permanent Supportive Housing	P(L3)C	C—	
Transitional Housing	P(L3)—	C—	17.103.010
Emergency Shelter	—	—	17.103.010
Semi-Transient	C	—	
Bed and Breakfast	—	—	17.10.125
Civic Activities			
Essential Service	P	C	
Limited Child-Care Activities	P	C	
Community Assembly	P	C	
Recreational Assembly	P	C	
Community Education	P	C	
Nonassembly Cultural	P	C	
Administrative	P	C	
Health Care	C	—	
Special Health Care	C	—	17.103.020
Utility and Vehicular	C	—	
Extensive Impact	C	C	

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Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
A. Marinas	—	C	
Commercial Activities			
General Food Sales	P	—	
Full Service Restaurants	P	C	
Limited Service Restaurant and Cafe	P	C	
Fast-Food Restaurant	C	—	17.103.030 and 8.09
A. Vehicular Food Vending	—	—	
Convenience Market	P	—	17.103.030
Alcoholic Beverage Sales	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	—	
Medical Service	C	—	
General Retail Sales	P	—	
Large-Scale Combined Retail and Grocery Sales	—	—	
Consumer Service	P	—	17.102.170 and 17.102.450
Consultative and Financial Service	P	—	
Check Cashier and Check Cashing	—	—	
Consumer Cleaning and Repair Service	P	—	
Consumer Dry Cleaning Plant	C	—	
Group Assembly	C	—	
Personal Instruction and Improvement Services	P	—	
Administrative	P	—	
Business, Communication, and Media Services	P	—	
Broadcasting and Recording Services	P	—	
Research Service	P	—	
General Wholesale Sales	—	—	
Transient Habitation	C	—	17.103.050
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	

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Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	C	—	
Animal Boarding	—	—	
Animal Care	—	C	
Undertaking Service	—	—	
Industrial Activities			
Custom Manufacturing	—	—	
Light Manufacturing	—	—	
General Manufacturing	—	—	
Heavy/High Impact	—	—	
Research and Development	—	—	
Construction Operations	—	—	
Warehousing, Storage, and Distribution-Related			
A. General Warehousing, Storage and Distribution	—	—	
B. General Outdoor Storage	—	—	
C. Self- or Mini-Storage	—	—	
D. Container Storage	—	—	
E. Salvage/Junk Yards	—	—	
Regional Freight Transportation	—	—	
Trucking and Truck-Related	—	—	
Recycling and Waste-Related	—	—	
A. Satellite Recycling Collection Centers	—	—	
B. Primary Recycling Collection Centers	—	—	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	
Agriculture and Extractive Activities			
Limited Agriculture	C(L1)	—	
Extensive Agriculture	C(L2)	—	
Plant Nursery	—	—	
Mining and Quarrying	—	—	

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Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
Accessory off-street parking serving prohibited activities	—	—	17.116.075
Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	17.102.110

Limitations on Table 17.101B.01:

L1. Limited Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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.

L2. 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.

L3. 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 Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

17.101B.030 Development Plans and Design Review

All development projects within the D-OTN Oak to Ninth Planned Waterfront District Zone will be processed using a Planned Unit Development (PUD) approach. The approved Preliminary Development Plan, dated June 20, 2006, provides the comprehensive development framework for the entire 63.82 acre Oak to Ninth/Brooklyn Basin Mixed Use Development site. The entire

development will be constructed in five (5) phases. Each phase requires submittal and approval of a Final Development Plan. Design Review for each Final Development Plan shall follow the procedure outlined in Chapter 17.136. Each building or structure not submitted with the application for a Final Development Plan will require separate design review approval. Both the Preliminary and Final Development Plans shall be prepared by a professional design team consisting of a registered civil engineer, licensed architect, planner or licensed building designer, and any other qualified professionals that the City may require. Other applications required for development and use of property within the D-OTN Oak to Ninth Planned Waterfront District Zone (e.g., subdivision map) may be submitted concurrently with the Preliminary Development Plan or the Final Development Plan.

17.101B.040 Preliminary Development Plan

The Preliminary Development Plan shall include the following:

1. Streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas, including integration with surrounding uses;
2. Shoreline improvements;
3. Location and dimensions of structures;
4. Utilization of property for residential and non-residential use;
5. Population estimates;
6. Public uses, including civic buildings, parks, playgrounds, and other open space uses;
7. Major landscaping features, including a tree survey indicating trees protected by Chapter 12.36, as it may be amended;
8. Creeks protected by Chapter 13.16, as it may be amended;
9. Historic Resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 22 of the California Code of Regulations;
10. Plan and elevation drawings establishing the scale, bulk, massing, character, and relationships of buildings, streets, and public and private open space in a schematic or conceptual format;
11. A tabulation of the land use area and gross floor area to be devoted to various uses and a calculation of the average residential density per gross acre and per net acre;
12. A preliminary phasing plan, generally depicting projected development time frames including quantitative data, such as population, housing units, land use acreage, and other data sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services;
13. A preliminary public services and facilities plan, including proposed location, extent and intensity of essential public facilities and services such as public and private streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities; and a table comparing the plan description to the existing location, extent, and intensity of such essential public facilities and services; and
14. A public facilities financing plan.

17.101B.050 Review of Preliminary Development Plan

The Planning Director shall forward the Preliminary Development Plan (PDP) to the City Engineer for review no later than ten (10) days after a determination that the submittal is complete. The Planning Commission shall hold a public hearing on the Preliminary Development Plan no later than seventy-five (75) days after it is sent to the City Engineer or within thirty (30) days of the Planning Commission receiving a report from the City Engineer, whichever is earlier. Notice of the hearing shall be given by the City Clerk or Planning Director, as set forth in Section 17.140.030.

The Planning Commission shall approve the Preliminary Development Plan if it makes written findings that the Preliminary Development Plan is in substantial conformance with the D-OTN Oak to Ninth Planned Waterfront District Zone Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, the Oak to Ninth Design Guidelines, Vesting Tentative Tract Map No. 7621, Conditions of Approval, and the Mitigation Monitoring Reporting Program.

The Planning Commission shall disapprove the Preliminary Development Plan if it makes written findings that the Preliminary Development Plan is not in substantial conformance with the D-OTN Oak to Ninth Planned Waterfront District Zone Regulations; the Open Space-Region Serving Park (OS-RSP) zoning regulations; the Oak to Ninth Design Guidelines; Vesting Tentative Tract Map No. 7621; Conditions of Approval; and the Mitigation Monitoring Reporting Program, and that it is not possible to require changes or impose conditions of approval as are reasonably necessary to ensure conformity to these documents.

The decision of the Planning Commission on the Preliminary Development Plan shall become final ten (10) calendar days after the adoption of the findings, unless the Planning Commission decision is appealed to the City Council in accordance with Section 17.140.070. In the event the last date to file an appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

If the Preliminary Development Plan satisfies the requirements for a Final Development Plan (as described in 17.101B.060), the Preliminary Development Plan may also serve as a Final Development Plan and shall be entitled the "Preliminary and Final Development Plan," and include all the submittal requirements for each application as set forth in 17.101B.040 and 17.101B.060. No separate Final Development Plan shall be required to be filed when the Preliminary Development Plan is combined with a Final Development Plan.

17.101B.060 Final Development Plan

Final Development Plans shall be submitted for each phase of development. Final Development Plans shall include all information contained in the Preliminary Development Plan plus the following requirements in sufficient detail to indicate the operation and appearance of all development shown on the Final Development Plan (FDP).

1. The location of all public infrastructure that provides water, sewage, and drainage facilities and other utility services.
2. The location of all private infrastructure that provides gas, electric, and other utility services.
3. The location of all shoreline improvements and remediation plans.

4. Detailed building plans, elevations, sections, and a description of all exterior building materials if a development project is included with the Final Development Plan. The application for the first building proposed in a phase must show the conceptual building massing, heights, and rooflines of future buildings on all adjacent parcels to be constructed within the phase in order to evaluate shadows, relationships between buildings, access and circulation.
5. Landscape plans, and buffering plans, if required, prepared by a landscape architect, if a development project is included with the Final Development Plan.
6. The character and location of Signs.
7. Detailed improvement plans for all public and private streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas.
8. Detailed improvement plans for all parks and open space areas, including programmed activities and the Bay Trail;
9. Detailed demolition plans for the appropriate phase;
10. Grading and soil remediation plans approved by the appropriate agency, other earth-moving plans, if appropriate, including estimated quantities and the grading schedule for the appropriate phase;
11. The public facilities financing plan for the appropriate phase approved as part of the Preliminary Development Plan modified as necessary to reflect changed conditions or new information.
12. Plan references to all improvements for the appropriate phase required for the Vesting Tentative Tract Map 7621 approved on June 20, 2006 and as may be amended.
13. Plan references to all improvements for the appropriate phase required of the Conditions of Approval for the project approved on June 20, 2006 and as may be amended.
14. Plan references to all improvements for the appropriate phase required of the Mitigation Monitoring Reporting Program for the project approved on June 20, 2006 and as applicable.

An applicant shall submit evidence of all documents required for dedication or reservation of land and for all bonds or other forms of financial assurances acceptable to the City required for timely completion of on-site and off-site public improvements necessitated by the project including, without limitation, for guaranteeing completion and faithful performance of the work with the Final Development Plan, including but not limited to, approved subdivision improvement agreements.

17.101B.070 Review of Final Development Plan

The Planning Director shall forward the Final Development Plan to the City Engineer for review no later than ten (10) days after a determination that the submittal is complete. The Planning Commission shall hold a public hearing on the Final Development Plan, including Design Review, no later than seventy-five (75) days after the Plan is sent to the City Engineer or within thirty (30) days of the Planning Commission receiving a report from the City Engineer, whichever is earlier. Notice of the hearing shall be given by the City Clerk or Planning Director as set forth in Section 17.140.030.

The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary

Development Plan; Oak to Ninth Design Guidelines; D-OTN Oak to Ninth Planned Waterfront District Zone Regulations; the Open Space-Region Serving Park (OS-RSP) zoning regulations; Vesting Tentative Tract Map No. 762; Conditions of Approval; Mitigation Monitoring Reporting Program; and the Development Agreement.

The Planning Commission shall disapprove the Final Development Plan if it makes written findings that the Final Development Plan is not in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines; D-OTN Oak to Ninth Planned Waterfront District Zone Regulations; the Open Space-Region Serving Park (OS-RSP) zoning regulations; Vesting Tentative Tract Map No. 7621; Conditions of Approval; Mitigation Monitoring Reporting Program; and the Development Agreement, and that it is not possible to require changes or impose conditions of approval as are reasonably necessary to ensure such conformity.

The decision of the Planning Commission on the Final Development Plan shall be final ten (10) calendar days after the adoption of the findings unless the Planning Commission decision is appealed to the City Council in accordance with Section 17.140.070. In the event the last date to file an appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17.101B.080 Architectural Design Review for Individual Development Projects

Design review for any Residential, Commercial, or Civic development projects that are not submitted with a Final Development Plan application will be reviewed and approved separately. The procedure for Design Review shall be in accordance with Chapter 17.136, Design Review Procedure. Design Review shall be limited to a determination of whether or not the proposed design conforms to the Oak to Ninth Design Guidelines and is in substantial compliance with the Final Development Plan, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement. The Director of City Planning shall refer the application to the Planning Commission. The Planning Commission's decision may be appealed to the City Council.

17.101B.090 Modifications to a Preliminary or Final Development Plan

Minor changes to an approved Preliminary or Final Development Plan may be approved by the Planning Director prior to issuance of a certificate of occupancy if such changes are consistent with the purposes and character of the approved Preliminary or Final Development Plan. Minor changes, modifications or adjustments may include, but are not limited to, minor adjustments to the phasing plan boundaries, adjustments to public improvements and access if the proposed changes do not interfere with view corridors or access to the waterfront, minor modifications to the grading plan, minor changes to lot lines, minor modifications to the street sections, minor adjustments to roadway alignments, the amount and distribution of commercial uses within an existing phase, modifications to shoreline treatment, minor adjustments to setbacks and exterior materials, and modifications of the landscaping plan. The decision of the Planning Director can be appealed to the Planning Commission and final action on any appeal rests with the Planning Commission.

Amendments to the Preliminary Development Plan or Final Development Plan would be

required if changes to the road alignments affected views and access to the waterfront, changes were proposed to the height, massing, and location of buildings (other than those in the tower zones), if the overall density were changed, and for any other change that the Planning Director found was not in substantial compliance with the Preliminary Development Plan or the Final Development Plan. The revised Preliminary Development Plan or Final Development Plan would be reviewed by the Planning Commission at a noticed public hearing. The decision of the Planning Commission may be appealed to the City Council.

17.101B.100 Alterations after Issuance of Certificate of Occupancy

After issuance of a certificate of occupancy, no building, sign, or other structure shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal have been approved with a finding that the proposals shall be in substantial compliance with the Oak to Ninth Design Guidelines specified for the Oak to Ninth/Brooklyn Basin Development Project. Approval is not required for temporary Realty or Development Signs, holiday decorations, and displays behind a display window; or for mere changes of copy, including cutouts, on Signs the customary use of which involves periodic changes of copy.

17.101B.110 Maximum Residential Density

A. **Maximum Residential Density.** The residential density for the overall 63.82 acre Oak to Ninth/Brooklyn Basin Development Project site shall average approximately fifty (50) dwelling units per gross acre, and approximately one hundred forty (140) dwelling units per net acre. The density shall be distributed over thirteen (13) development parcels or areas as shown below.

Table 17.101B.02: Maximum Residential Density

<u>Density</u>	<u>Gross Acres</u>	<u>Net Developable Acres</u>
<u>Site Area</u>	<u>63.82</u>	<u>22.18</u>
<u>Number of Residential Units</u>	<u>3,100</u>	<u>3,100</u>
<u>Average Residential Density</u>	<u>50 du/gross acre</u>	<u>140 du/net acre*</u>

*Net developable acres exclude 9.18 acres of roads.

Table 17.101B.03: Development Parcels or Areas

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F*</u>	<u>G*</u>	<u>H</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>	<u>Total</u>
<u>Net Acres</u>	<u>2.38</u>	<u>1.53</u>	<u>1.48</u>	<u>1.46</u>	<u>1.20</u>	<u>1.75</u>	<u>2.72</u>	<u>2.08</u>	<u>1.84</u>	<u>1.69</u>	<u>1.45</u>	<u>2.60</u>	<u>0</u>	<u>22.18</u>
<u>Number of Dwelling Units (D.U.)</u>	<u>407</u>	<u>175</u>	<u>175</u>	<u>175</u>	<u>131</u>	<u>165</u>	<u>300</u>	<u>375</u>	<u>339</u>	<u>322</u>	<u>146</u>	<u>390</u>	<u>0</u>	<u>3,100</u>
<u>D.U./Net Acre</u>	<u>171</u>	<u>114</u>	<u>118</u>	<u>120</u>	<u>108</u>	<u>94</u>	<u>110</u>	<u>180</u>	<u>184</u>	<u>190</u>	<u>101</u>	<u>292</u>	<u>0</u>	<u>140</u>

*These two parcels are designated for 465 units of affordable housing. Refer to the Conditions of Approval for the Oak to Ninth/Brooklyn Basin Development Project and the Development Agreement, Exhibit L, for the details of the affordable housing obligations.

A. Density Transfer. Unused allowable densities, or number of units approved for a development parcel may be used on, or transferred to, another development parcel. The number of dwelling units per development parcel may increase or decrease provided that:

1. The number of dwelling units being transferred does not exceed more than thirty-three percent (33%) of the allocation of the development parcel receiving the transferred units (more than thirty-three percent (33%) up to fifty percent (50%) of the dwelling units may be transferred subject to design review approval);

2. The total number of dwelling units does not exceed three thousand one hundred (3,100) for the entire Brooklyn Basin/Oak to Ninth Mixed Use Development Project;

3. The average density for the entire project does not exceed one hundred forty (140) dwelling units per net acre; and

4. The height of the buildings where the density is being transferred does not exceed the building heights approved in the Preliminary Development Plan (PDP), unless specified in the PDP.

17.101B 120 Maximum Retail and Commercial Square Footage

Approximately two hundred thousand (200,000) square feet of retail, commercial, and civic uses is distributed throughout the project area primarily on the ground floor level of the structures with residential units above. The remaining portion of the Ninth Avenue Terminal is also included in this total.

17.101B.130 Building Height

Height limits throughout the project area range from eight-six (86) feet to two hundred forty (240) feet. The height of mid-rise structures on designated parcels can increase up to one hundred twenty (120) feet; however, the heights of the 240-foot towers cannot be increased. Any increases in density and height will need to be approved by the Planning Commission when considering the Final Development Plan or architectural design review for a development project that is not part of the Final Development Plan submittal.

Table 17.101B.04: Height Limits for Development Parcels or Areas

	<u>DEVELOPMENT PARCELS</u>												
<u>HEIGHTS/ FLOOR PLATES</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>	<u>N</u>
<u>Building Height Limit (ft.)</u>	<u>86</u>	<u>86</u>	<u>86</u>	<u>86</u>	<u>86</u>	<u>86</u>	<u>86 - 100</u>	<u>86</u>	<u>86</u>	<u>86</u>	<u>86</u>	<u>86</u>	<u>=</u>

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<u>Allowable Height Increase (ft.)</u>	=	<u>120</u>	<u>120</u>	<u>120</u>	=	=	=	<u>120</u>	=	=	=	=	=
<u>Towers (ft.)</u>	<u>240</u>	=	=	=	=	=	=	<u>240</u>	<u>240</u>	<u>240</u>	=	<u>240</u>	=
<u>Max. Floor Plate Size for Towers (sf.)</u>	<u>15,000</u>	=	=	=	=	=	=	<u>15,000</u>	<u>12,000</u>	<u>15,000</u>	=	<u>15,000</u>	=

17.101B.140 Yards and Setbacks

All front, side, rear, and corner side yard setbacks will be determined through the design review approval process and must conform to the Preliminary Development Plan, Final Development Plan, Oak to Ninth Mixed Use Development Design Guidelines, and Vesting Tentative Tract Map No. 7621, if specified. Appropriate buffer treatments may be required of buildings adjacent to other zoning district boundaries or between uses that the Planning Director has determined to be potentially incompatible. Buffer treatments could include, but are not limited to, a combination of setbacks, visual buffers, barriers, or dense landscaping.

17.101B.150 Lot Area, Width, and Frontage

All lot area, width, and frontage requirements will be determined through the design review approval process and must conform to the Preliminary Development Plan, Final Development Plan, Vesting Tentative Tract Map No. 7621, and Oak to Ninth Mixed Use Development Design Guidelines, if specified.

17.101B.160 Usable Open Space Standards

- A. Residential Uses - A minimum of one hundred fifty (150) square feet per residential unit must be provided as usable open space. Each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two (2) square feet of required group usable open space and may be so substituted. Group open space may be located anywhere on the same development parcel, including the roof of any building on the site.
- B. Joint Living/Working Quarters - A minimum of seventy-five (75) square feet per unit must be provided as usable open space. Each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two (2) square feet of required group usable open space and may be so substituted. Group open space may be located anywhere on the same development parcel, including the roof of any building on the site.

17.101B.170 Landscaping, Paving, and Buffering

A detailed landscaping, paving, and buffering plan shall be submitted for every development

project, consistent with the Preliminary Development Plan or Final Development Plan, the Oak to Ninth Design Guidelines, and Chapter 17.124 except as noted below, and shall contain the following:

1. An automatic system of irrigation for all landscaping shown in the plan;
2. A minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping as approved by the Planning Director, shall be provided for every 20 to 25 feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Public Works Agency.
3. For surface parking lots greater than three thousand (3,000) square feet in size, at least one tree shall be provided for every six (6) parking spaces.
4. For surface parking lots adjacent to private property or public open space, buffering shall be provided to minimize potential impacts between uses.
5. For buildings adjacent to other zoning district boundaries, or between uses that the Planning Director has determined to be potentially incompatible, buffer treatments should be applied and could include, but are not limited to, a combination of setbacks, visual buffers, barriers, or dense landscaping. This does not apply to development which is separated from public open space by a street right-of-way.

17.101B.180 Parking Requirements

Parking and Loading Standards shall be consistent with Chapter 17.116, unless as specified below.

Table 17.101B.05: Parking Requirements

<u>Parking Standard</u>	<u>Zoning Districts</u>	
	<u>D-OTN</u>	<u>OS(RSP)</u>
<u>Parking Spaces Required per Residential Unit</u>	<u>One (1) space for each dwelling unit.</u>	<u>N/A</u>
<u>Parking Spaces Required for Commercial Activities</u>	<u>One (1) space for each 500 square feet of floor area.</u>	<u>N/A</u>
<u>Parking Spaces Required for Marinas</u>	<u>One (1) space for each 5 boat slips.</u>	<u>One (1) space for each 5 boat slips.</u>
<u>Parking Spaces Required per Acre of Public Open Space</u>	<u>N/A</u>	<u>Five (5) spaces for each 1 acre.</u>
<u>Parking Spaces Required for Jack London Aquatic Center</u>	<u>N/A</u>	<u>One (1) space for each 1,400 square feet of floor area.</u>

Note: A 75% reduction in parking is permitted for housing for persons who are physically disabled, or who are 60 years or older, and the occupancy of the units is guaranteed for at least 50 years (See Chapter 17.116.110).

17.101B.190 Signs

Signs in the Brooklyn Basin/Oak to Ninth Mixed Use Development project shall be consistent with the adopted Master Sign Plan requirements listed below.

A. Individual Signs. Individual Signs not part of an approved Master Sign Plan are subject to design review in accordance with Chapter 17.104.

B. Master Sign Plan. A Master Sign Plan shall be submitted with each Final Development Plan to be approved by the Planning Commission. The decision of the Planning Commission may be appealed to the City Council. Applications for approval of a Master Sign Plan shall include the following:

1. A Master Sign Program, drawn to scale, delineating the site proposed to be included within the signing program and the general location of all Signs;
2. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall Signs, directory Signs, ground Signs, or projecting Signs are proposed;
3. A statement of the reasons for any requested modifications to the regulations or standards of Chapter 17.104;
4. A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.

B. Master Sign Plan Approval. In approving a master sign program, the Director shall find:

1. That the plan's contribution to the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards of Section 17.104.
2. That the proposed Signs are compatible with the style or character of existing improvements on the site and are well-related to each other.
3. That future tenants will not be denied adequate opportunities for identification if transfers of sign area from one building frontage to another are proposed by the master sign plan.
4. Roof and penthouse Signs are permitted provided that the Signs are integrated with the design and materials of the building, subject to design review by the Planning Director. No more than one Sign is approved per phase unless approved by the Planning Director.
5. One Master Identification Sign visible to the I-880 freeway is permitted for the project subject to design review by the Planning Director.

The Planning Director may require any reasonable conditions necessary to carry out the intent of the master sign plan requirements while still permitting each sign user opportunities for effective identification and communication.

C. Prohibited Location, Sign Type, and Message. The following types of Signs and locations of Signs are prohibited.

1. A Sign in a required yard adjoining a street property line which interferes with driveway visibility. Visibility of a driveway crossing a street property line shall not be blocked between a height of two and one-half (2 ½) feet and seven (7) feet for a depth of five (5)

feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of fifty (50) feet or at the nearest property line intersecting the street property line, whichever is less.

2. Moving flashing or animated Signs, balloons or similar inflated Signs, portable Signs, searchlights, flags, pennants, streamers, spinners or similar devices, except as specifically authorized by the Planning Director.
3. Signs with lighting, colors, design or text that could be confused with a public traffic directional sign or control device.
4. Signs containing statements, words, pictures, or other representations which are in reference to obscene matter which violates the California Penal Code Section 311 et. seq.
5. Exterior Signs made of materials that are impermanent and will not stand exposure to weather.
6. Signs affixed to any vehicle or trailer on a public street or public or private property unless the vehicle or trailer is intended to be used in its normal business capacity and not for the sole purpose of attracting business.

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

Sections:

- 17.101C.010 - Title, intent, and description.
- 17.101C.030 - Permitted and conditionally permitted activities.
- 17.101C.040 - Permitted and conditionally permitted facilities.
- 17.101C.050 - Property development standards.
- 17.101C.055 - Micro Living Quarters
- 17.101C.060 - Special regulations for Mmini-Llot and Planned Ununit Developments.
- 17.101C.065 - Special regulations for large-scale developments.
- 17.101C.070 - Other zoning provisions.

17.101C.010 - Title, intent, and description.

A. Title and Intent. The intent of the D-BV Broadway Valdez District Commercial (~~D-BV~~) Zones is to implement the Broadway Valdez District Specific Plan. (~~BVDSP~~). The Broadway Valdez District Specific Plan area is divided into two subareas: the Valdez Triangle and the North End. These regulations shall apply to the Broadway Valdez District (D-BV) Zzones.

1. The intent for the Valdez Triangle subarea regulations is to:

- a. Create a recognized Oakland destination that provides a mix of uses that contributes to around-the-clock activity with people present both day and night, and on weekdays and weekends.
- b. Create a destination retail district that addresses the City's need for comparison goods shopping complemented with local-serving retail, dining, entertainment, office, and service uses.
- c. Encourage, support, and enhance a mix of small, medium, and large-scale retail, commercial, dining, entertainment, arts, cultural, office, residential, service, public plaza, and visitor uses.
- d. Encourage and enhance a pedestrian-oriented streetscape with street-fronting retail and complementary dining and entertainment uses.
- e. Establish a pedestrian, bicycle, and transit-oriented district that accommodates vehicular access.

2. The intent for the North End subarea regulations is to:

- a. Create an attractive, mixed-use boulevard that links the Downtown and Valdez Triangle areas to the Pill Hill, Piedmont, and North Broadway areas, and is integrated with the adjoining residential and health care-oriented neighborhoods.
- b. Encourage horizontally or vertically mixed use development that complements the Valdez Triangle and addresses the needs of adjoining and nearby neighborhoods with the potential of serving some regional needs close to Interstate 580.

- c. Encourage uses that complement and support the adjoining medical centers, such as professional and medical office uses, medical supplies outlets, and visitor and workforce housing.
- d. Encourage existing and new automotive sales that incorporate an urban format with a showroom and repair shop providing car storage either in a structured garage or in an off-site location.

B. Description of Zones. This Chapter establishes land use regulations for the following four (4) zones:

1. **D-BV-1 Broadway Valdez District Retail Priority Sites Commercial – 1 Zone–4.** The intent of the D-BV-1 Zzone is to establish Retail Priority Sites in the Broadway Valdez District Specific Plan Area in order to encourage a core of comparison goods retail with a combination of small-, medium-, and large-scale retail stores. Priority Sites 3 and 5 are further divided into subareas a, b, and c and Priority Site 4 into subareas a and b as shown in the Height Area Map. Each Retail Priority Site and subarea will have a specified minimum square footage of retail required prior to Residential or Transient Habitation Activities and Facilities being permitted.
2. **D-BV-2 Broadway Valdez District Retail Commercial – 2 Zone–2.** The intent of the D-BV-2 Zzone is to create, maintain, and enhance areas of the Broadway Valdez District Specific Plan Area for ground-level retail, restaurants, entertainment, and art activities with pedestrian-oriented, active storefront uses. Upper-story spaces are intended to be available for a wide range of Addministrative Office and Residential Activities.
3. **D-BV-3 Broadway Valdez District Mixed Use Boulevard Commercial – 3 Zone–3.** The D-BV-3 Zzone is intended to create, maintain, and enhance areas with direct frontage and access along Broadway, 27th Street, Piedmont Avenue, and Harrison Street. A wider range of ground-floor office and other commercial activities are allowed than permitted in the D-BV-2 Zzone with upper-story spaces intended to be available for a broad range of Residential, Office, or other Commercial Activities. Mixed uses can could either be vertical and/or horizontal.
4. **D-BV-4 Broadway Valdez District Mixed Use Commercial – 4 Zone–4.** The D-BV-4 Zzone is intended to create, maintain, and enhance areas that do not front Broadway, 27th Street, Piedmont Avenue, or Harrison Street, and allows the widest range of uses on the ground floor including both residential and commercial businesses. Upper-story spaces are intended to be available for a broad range of Residential or Commercial Activities.

C. Description of Combining Zone. This Chapter establishes land use regulations for the following combining zone:

1. **N North Large Development Site Combining Zone.** The intent of the N Combining Zzone is to encourage more active commercial uses on those sites that have deeper lots that front along Broadway. Incentives for large developments are included. When a primary zone is combined with the N Combining Zzone, the N Combining Zone permitted uses supersede those of the primary zone.

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17.101C.030 - Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101C.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*	
Residential Activities						
Permanent	C(L2)(L3)	P(L1)(L3)(L4)	P(L1)(L3)(L5)	P(L1)(L3)(L6)	P(L1)(L3)(L6)	
Residential Care	<u>C(L2)(L3)</u> —	<u>P</u> C(L1)(L3)(L4)	<u>P</u> C(L1)(L3)(L5)	<u>P</u> C(L1)(L3)(L6)	<u>P</u> C(L1)(L3)(L6)	17.103.010
Service-Enriched Permanent Supportive Housing	<u>C(L2)(L3)</u> —	<u>P</u> C(L1)(L3)(L4)	<u>P</u> C(L1)(L3)(L5)	<u>P</u> C(L1)(L3)(L6)	<u>P</u> C(L1)(L3)(L6)	17.103.010
Transitional Housing	<u>C(L2)(L3)</u> —	<u>P</u> C(L1)(L3)(L4)	<u>P</u> C(L1)(L3)(L5)	<u>P</u> C(L1)(L3)(L6)	<u>P</u> C(L1)(L3)(L6)	17.103.010
Emergency Shelter	—	—	—	—	—(L7)	17.103.010
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	—	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P(L19)	P(L19)	P(L19)	P(L22)	P(L19)	
Limited Child-Care Activities	P(L4)	P(L6)	P(L5)	<u>P(L6)</u>	P(L6)	
Community Assembly	C(L4)	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	P(L4)	P(L8)	P(L5)	P	P	
Nonassembly Cultural	P	P	P	P	P	
Administrative	P(L4)	P(L6)	P(L5)	<u>P(L6)</u>	P(L6)	
Health Care	C(L4)	P(L6)	P(L5)	<u>P(L6)</u>	P(L6)	

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Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Special Health Care	—	—	C(L9)(L10)	C(L9)	C(L9)(L10)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L11)(L12)	P	P	P	P	
Full Service Restaurants	P(L12)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L12)	P	P	P	P	
Fast-Food Restaurant	C(L12)	C	C	C	C	17.103.030 and 8.09
Convenience Market	—	C	C	C	—	17.103.030
Alcoholic Beverage Sales	C(L12)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L4)	P(L6)	P(L5)	P(L6)	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(L6)	P(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L8)	P(L14)	P(L14)	P(L14)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	—	
Group Assembly	C(L4)(L12)(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Personal Instruction and Improvement Services	P(L8)	P(L8)	P	P	P(L5)	

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Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Administrative	P(L4)	P(L6)	P(L5)	P(L6)	P(L6)	
Business, Communication, and Media Services	P(L4)	P(L8)	P	P	P(L5)	
Broadcasting and Recording Services	P(L4)	P(L6)	P(L5)	P	P(L6)	
Research Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	C(L2)	C	C	C	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)	—(L17)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	P(L18)	P(L18)	P(L18)	P(L18)	P(L18)	
Animal Boarding	—	—	—	C	—	
Animal Care	—	C(L10)	P(L5)	P(L5)	P(L6)	
Undertaking Service	—	—	—	—	—	
Industrial Activities						
Custom Manufacturing	C(L11)	C	P(L5)	P(L8)	C	17.120
Light Manufacturing	—	—	—	—	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	—	—	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution-Related						
A. General Warehousing, Storage and Distribution	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	

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Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
C. Self- or Mini-Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	
Regional Freight Transportation	—	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	—	
Agriculture and Extractive Activities						
Limited Agriculture	—	—	—	C(L20)	—	
Extensive Agriculture	—	—	—	C(L6)(L21)	—	
Plant Nursery	—	—	C(L5)	C	—	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C(L8)	C(L8)	C(L5)	C	C(L5)	17.116.075
Activities that are listed as prohibited or conditionally permitted on nearby lots in an adjacent zone	C(L8)	C(L8)	C(L5)	C	C(L5)	17.102.110

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

Limitations on Table 17.101C.01:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L3. See Section 17.101C.040 for limitations on the construction of new One-Family Dwelling and One-Family Dwelling with Secondary Unit Residential Facilities.

L6. These activities are prohibited if located on the ground floor of a building and within sixty (60) feet from any street-abutting property line facing Broadway. In the D-BV-4 Zone, these activities are prohibited on the ground floor of a building that fronts onto 24th Street or 25th Street, except Administrative Commercial Activities are permitted on the ground floor of a building that fronts onto 24th Street to the center line of the block defined by 24th and 25th Street (permitted on the half of the block that faces 24th Street only). Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

L9. These activities are limited to areas north of Hawthorne Street and west of Broadway. 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 ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L11. If greater than five thousand (5,000) square feet of floor area, these activities are not allowed in new construction unless combined within a retail project that meets the requirements of Section 17.101C.050C and Section 17.101C.050D.

L12. Only these activities can be counted towards the minimum retail floor area that is required in order to develop Residential Facilities pursuant to Section 17.101C.050C and Section 17.101C.050D. For General Food Sales Commercial Activities, no more than five thousand (5,000) square feet can be counted toward the minimum retail area; for Group Assembly Commercial Activities, only a movie theatre that is above the ground floor can be counted toward the minimum retail area; for Automobile and Other Light Vehicle Sales and Rental Commercial Activities, only the interior showroom space can be counted toward the residential bonus threshold (space for auto repair, interior/outdoor inventory storage, and outdoor sales is not included). For pharmacies that fall within the General Retail Sales Commercial Activities: (a) if the retail component of the store is predominantly comparison goods, then the activity is permitted and counts toward the minimum retail floor area that is required in order to develop Residential Facilities; (b) if the retail component of the store is predominantly convenience goods, then the activity does not count toward the minimum retail floor area that is required in order to develop Residential Facilities and is 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. As described in the Broadway Valdez District Specific Plan and as further determined by the Planning Director: comparison goods include items such as clothing, jewelry, toys, books, sporting goods, home furnishings, appliances, and electronics; and convenience goods include items such as groceries, toiletries, alcoholic and soft drinks, tobacco products, candy, magazines, and newspapers.

L15. 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 Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

L16. Showrooms associated with these activities must be enclosed. Auto service is only allowed as an accessory activity. These activities are only permitted upon the granting of a Conditional Use Permit. In addition to the CUP criteria in Section 17.134.050, these activities must meet each of the following additional criteria:

1. That there will be no outside inventory lots;
2. That auto inventory will be stored either:
 - a. inside or on top of the dealership building; or
 - b. located at an offsite location that is outside of the D-BV-1, D-BV-2, or D-BV-3 Zzones; or
 - c. within an existing structured parking facility that is within the D-BV-1, D-BV-2, or D-BV-3 Zzones; or within a new structured parking facility that is within the D-BV-3 Zzone;
3. That the proposal will not detract from the character desired for the area;
4. That the proposal will not impair a generally continuous wall of building facades;
5. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
6. That the proposal will not interfere with the movement of people along an important pedestrian street; and
7. That the proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

L22. Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, 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 lists the permitted, conditionally permitted, and prohibited facilities in the D-BV Zzones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.101C.02: Permitted and Conditionally Permitted Facilities

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Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Residential Facilities						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)(L5)	—(L1)	
Multifamily Dwelling	C(L2)	P(L3)	P(L4)	P(L5)	P(L5)	
Rooming House	C(L2)	P(L3)	P(L4)	P(L5)	P(L5)	
Micro Living Quarters	—	C(L3)(L7)	C(L4)(L6)(L7)	—	—	17.101C.055
Mobile Home	—	—	—	—	—	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	C(L8)	C(L8)	C(L8)	C(L8)	C(L8)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In	—	—	—	—	—	
Drive-Through	—	—	C(L9)	—	—	17.103.100
Telecommunications Facilities						
Micro Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Mini Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	—	—	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

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

Limitations on Table 17.101C.02:

L4. Construction of new ground-floor Residential Facilities within 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 is prohibited within sixty (60) feet from any street-abutting property line facing Broadway; ~~is prohibited~~ and in the D-BV-4 Zone, is prohibited anywhere on the ground-floor facing 24th Street or 25th Street. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

L10. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential or HBX Zones.

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	Zones					Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N		
Minimum Lot Dimensions							
Lot Width mean	100 ft.	50 ft.	25 ft.	25 ft.	100 ft.		1
Frontage	100 ft.	50 ft.	25 ft.	25 ft.	100 ft.		1
Lot area	10,000 sf.	7,500 sf.	4,000 sf.	4,000	10,000 sf.		1
Minimum/Maximum Setbacks							
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0-4 ft.		2, 3
Maximum front	5 ft.	5 ft.	10 ft.	N/A	5 ft.		4
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.		5, 6
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.		7
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.		8, 9
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 ground floor	55%	55%	55%	N/A	55%		10

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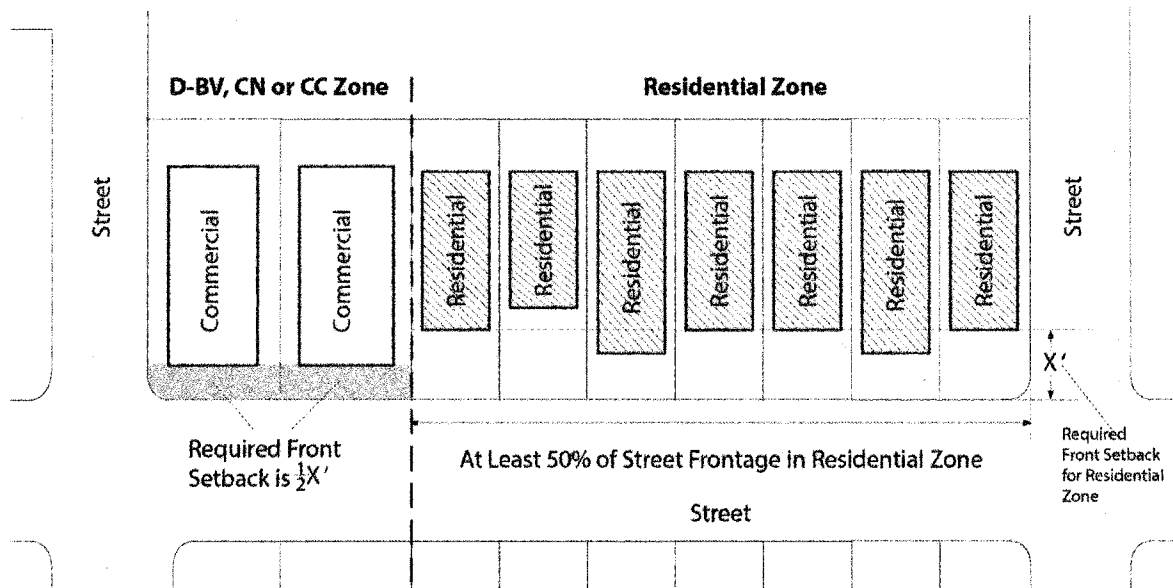
Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
nonresidential facade transparency						
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	11
Parking and driveway location requirements	Yes	Yes	Yes	No	Yes	12
Ground floor active space requirement	Yes	Yes	Yes	No	Yes	13
Height, Floor Area Ratio, Density, and Open Space Regulations	See Tables 17.101C.05 and 17.101C.06	See Table 17.101C.04				
Minimum Required Parking	See Chapter 17.116 for automobile parking regulations; and - See Sections 17.116.080, 17.116.082, and 17.116.110 for additional parking regulations for the D-BV Zones. See and Chapter 17.117 for bicycle parking regulations.					
Courtyard Regulations	See Section 17.108.120					

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

Additional Regulations for Table 17.101C.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.101C.03 [Additional Regulation 2], below).

Illustration for Table 17.101C.03 [Additional Regulation 2]
 *for illustration purposes only

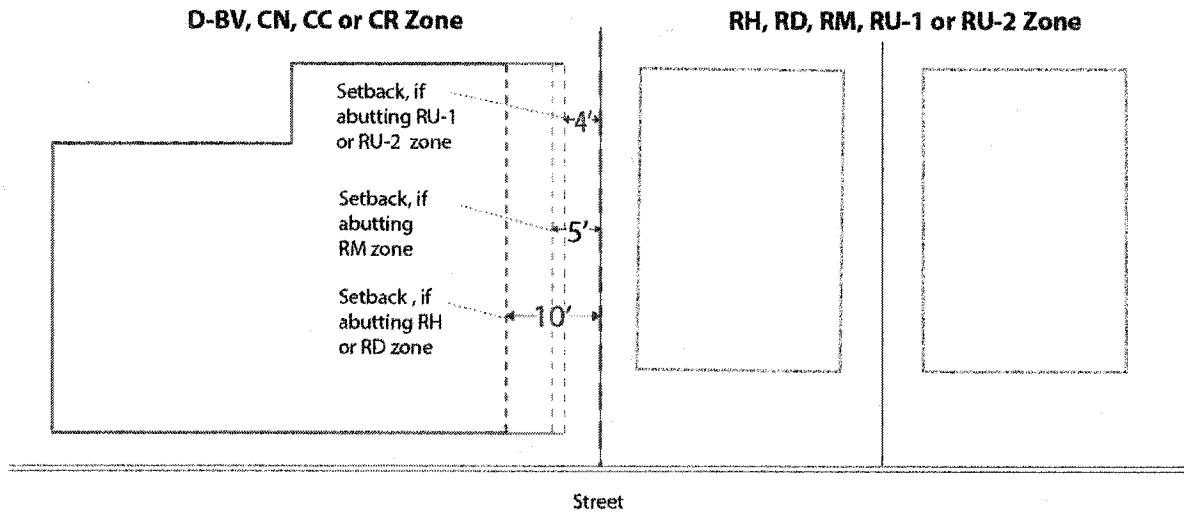


3. The minimum front yard required in the N Combining Zone is four (4) feet from Broadway if the rest of the block fronting Broadway is either vacant or has at least a four (4) foot front setback. Otherwise the front setback shall equal the setback of the existing building on the adjacent lot.

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

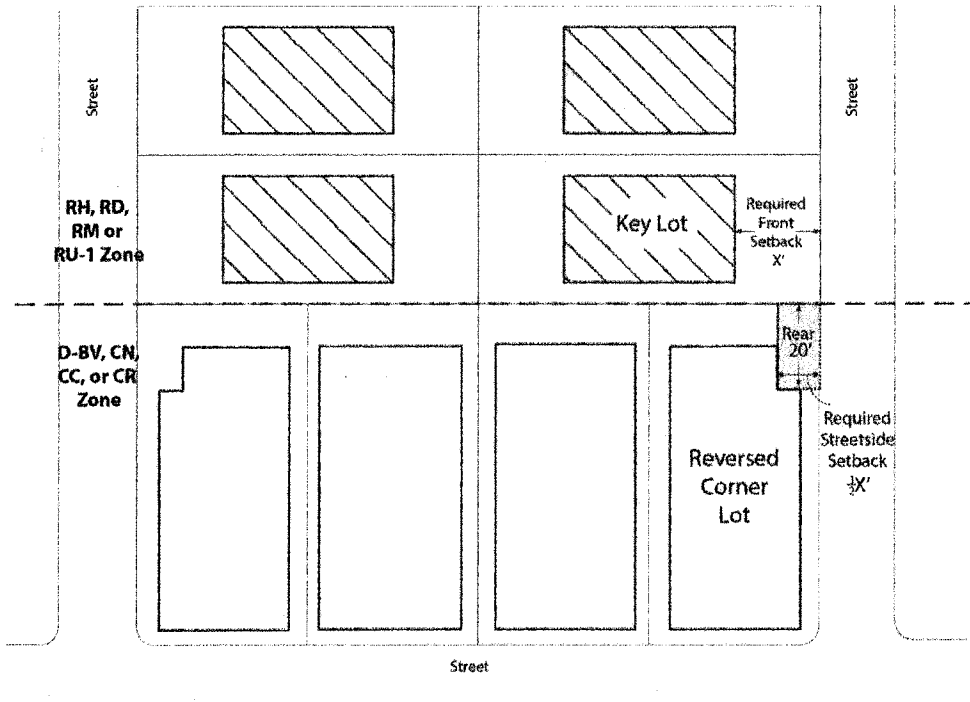
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Illustration for Table 17.101C.03 [Additional Regulation 5] *for illustration purposes only



7. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM ~~Zone, or the RU-1 zone~~, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.101C.03 [Additional Regulation 7], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.101C.03 [Additional Regulation 7]
 *for illustration purposes only

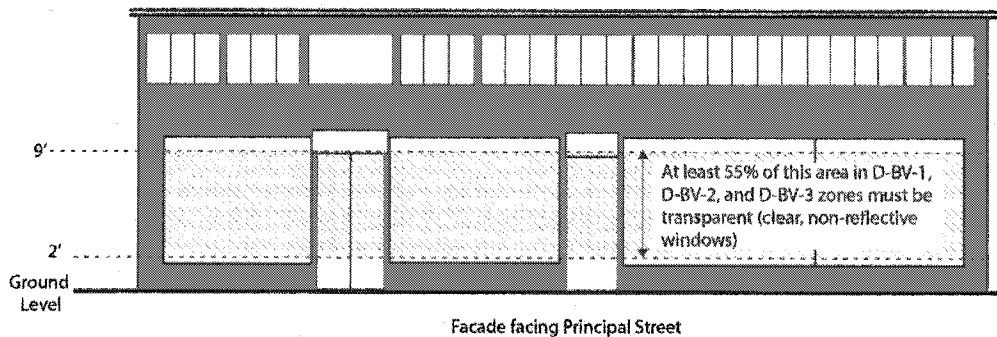


9. When a rear lot line is adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 zone~~, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 zone~~, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

10. This percentage of transparency is only required for principal buildings that include ground-floor Nonresidential Facilities, and only applies to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor activity space or lobbies (see Illustration for Table 17.101C.03 [Additional Regulation 10], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters, and other similar facilities.

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Illustration for Table 17.101C.03 [Additional Regulation 10]
*for illustration purposes only



11. This height is required for all-new principal buildings and is measured from the sidewalk grade to the second story floor.
12. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 Zzone, and N Combining Zzone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is available from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.
13. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 Zzone, and N Combining Zzone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 12, above.

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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 that Height Area.

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

Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
Maximum Height									
Building Base Max. Height	N/A	N/A	N/A	N/A	N/A /65 ft.	65 ft.	65/85 ft.	85 ft.	1, 2, 3
Maximum Height Total	45 ft.	45 ft.	65 ft.	85 ft.	85/135 ft.	135 ft.	135/ 200 ft.	250 ft.	1, 2, 3
Maximum number of stories (not including underground construction)	4	4	6	8	8/13	13	13/19	24	3
Minimum Height									
Minimum number of stories (not including underground construction)	2	N/A	2	3	3	3	3	3	2, 4
Conditionally permitted minimum number of stories (not including underground construction)	N/A	N/A	N/A	2	2	2	2	2	2
Maximum Residential Density (square feet of lot area required per dwelling unit)									
Regular units	450	N/A	<u>350</u> <u>375</u>	<u>250</u> <u>275</u>	<u>250</u> <u>275</u> / 200	200	200/150	90	3, 5, 6, <u>10</u>
Rooming units	225	N/A	<u>175</u> <u>185</u>	<u>125</u> <u>135</u>	<u>125</u> <u>135</u> / 100	100	100/75	45	3, 5, 6, <u>10</u>
Maximum Micro Living Quarters FAR	2.5	N/A	N/A	4.5	N/A	6.0	N/A	8.0	5, 6
Maximum Nonresidential FAR (excluding Micro Living Quarters)	2.5	2.5	3.5	4.5	4.5/6.0	6.0	6.0/8.0	10.0	3, 6, <u>10</u>
Minimum Usable Open Space									
Area: on each lot containing <u>R</u> esidential <u>F</u> acilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per dwelling unit	100 sf	N/A	100 sf	75 sf	75 sf	75 sf	75 sf	75 sf	7, 8, 9
Area: on each lot containing <u>R</u> esidential <u>F</u> acilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per rooming unit	50 sf	N/A	50 sf	38 sf	38 sf	38 sf	38 sf	38 sf	7, 8, 9
Area: on each lot containing senior of affordable housing units, usable open space shall be provided for such facilities at a rate stated per dwelling unit or rooming unit	30 sf	N/A	30 sf	30 sf	30 sf	30 sf	30 sf	30 sf	7, 8, 9
Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per dwelling or rooming unit	0 sf	N/A	0 sf	0 sf	0 sf	0 sf	0 sf	0 sf	9, 9
Size and shape of open space: An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown below:									
Private Open Space: is accessible from a single unit	10 ft. for space on the ground floor and 4 ft. on other floors								7, 8, 9

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Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
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-Floor Plaza: a type of group open space (see Section 17.127.030) located at street level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving	10 ft.								7, 8, 9

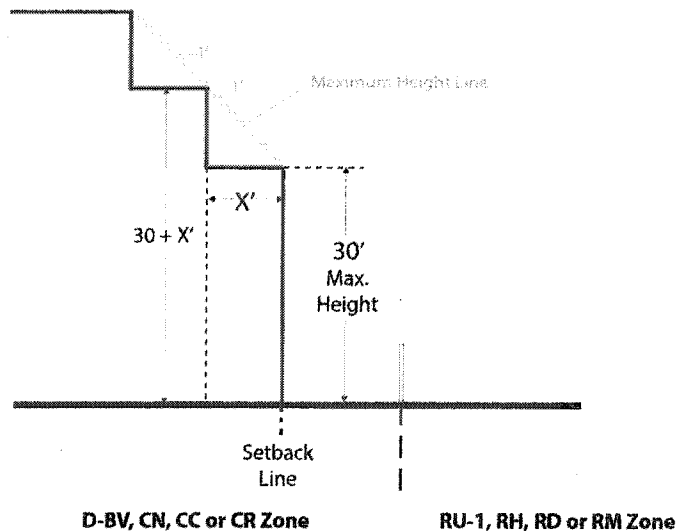
See Tables 17.101C.05 and 17.101C.06 for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus for mixed use, residential developments, or taller ~~Neon~~-residential facilities in the Height Area 45 when part of a large project that involves 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 ~~or RU-1~~ Zzone; this maximum height shall increase one (1) foot for every foot of distance away from this 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 for civic buildings.

Illustration for Table 17.101C.04 [Additional Regulation 1]

*for illustration purposes only



2. 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 Efacilities in the Height Area 45* when part of a large project that involves major retail development. There are five (5) Retail Priority Sites that comprise Height Area 45*. Priority Sites 3 and 5 are further divided into subareas a, b, and c, and Priority Site 4 is divided into subareas a and b. Each Priority Site and subarea has a specified minimum square footage of retail required prior to Residential Activities and Efacilities being permitted as well as taller Non-residential Efacilities.

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

10. In the D-BV-2, D-BV-3, and D-BV-4 Zones only, the number of living units and/or amount of Floor-Area Ratio (FAR) permitted by Table 17.101C.04 may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

C. Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus. Table 17.101C.05 below prescribes the minimum square footage of retail area required for each Retail Priority Site before a Residential or Transient Habitation Activity or Facility, or taller non-residential or mixed use facility is allowed. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.101C.05 Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus					
Regulation	Minimum Retail Area (SF) Required to Develop Residential Facilities Bonus				Additional Regulations
	50% of Retail Priority Site Area	Retail SF/ Residential Unit Bonus	60% of Retail Priority Site Area	Retail SF/ Residential Unit Bonus	
Retail Priority Site 1	38,706 sf	125 Retail SF	46,447 sf	100 Retail SF	1, 2, 3, 4, 5, 6
Retail Priority Site 2	15,572 sf	125 Retail SF	18,686 sf	100 Retail SF	1, 2, 3, 4, 5, 6
Retail Priority Site 3					
3 (a)	22,745 sf	125 Retail SF	27,293 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (b)	22,388sf	125 Retail SF	26,865 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (c)	17,738sf	125 Retail SF	21,285 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (a) and (b)	45,133 sf	125 Retail SF	54,158 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (b) and (c)	40,126 sf	125 Retail SF	48,150 sf	100 Retail SF	1, 2, 3, 4, 5, 6
Retail Priority Site 4					
4 (a)	23,465 sf	125 Retail SF	28,157 sf	100 Retail SF	1, 2, 3, 4, 5, 6
4 (b)	54,567 sf	125 Retail SF	65,480 sf	100 Retail SF	1, 2, 3, 4, 5, 6
4 (a) and (b)	78,032 sf	125 Retail SF	93,637 sf	100 Retail SF	1, 2, 3, 4, 5, 6
Retail Priority Site 5					
5 (a)	45,905 sf	125 Retail SF	55,086 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (b)	26,769 sf	125 Retail SF	32,122 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (c)	21,935 sf	125 Retail SF	26,322 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (a) and (b)	72,674 sf	125 Retail SF	87,208 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (b) and (c)	48,704 sf	125 Retail SF	58,444 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (a), (b), and (c)	94,609 sf	125 Retail SF	113,530 sf	100 Retail SF	1, 2, 3, 4, 5, 6

Additional Regulations for Table 17.101C.05:

1. See additional regulations in Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space.

2. The following are regulations for retail square footage minimums:
 - a. The following contribute to the retail square footage minimums:
 - i. Retail floor area (see Limitation L11. in Table 17.101C.01 for all of the complementary activities that count as retail floor area);
 - ii. Internal pedestrian stairs, corridors, and circulation;
 - iii. Ground-floor public plaza/open space located on-site or adjacent off-site.
 - b. Utilization of existing buildings towards new retail floor area can count toward the retail square footage. In the case of a CEQA Historic Resource:
 - i. New retail square footage in a CEQA Historic Resource can count double towards the retail square footage required to obtain a residential bonus; or
 - ii. If a CEQA Historic Resource is maintained and not used for retail, the area of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required.
 - c. Square footage of the following do not count towards the retail square footage minimum:
 - i. Loading dock;
 - ii. Parking;
 - iii. Driveways, ramps, and circulation for cars and trucks.
4. An applicant that provides a retail project that equals at least sixty percent (60%) of the square footage of the Retail Priority Site may transfer the development rights of residential bonus units and height from one retail priority site to a different lot within the same retail priority site or to a lot within a different retail priority site upon the granting of a Conditional Use Permit (CUP). A CUP to transfer development rights of residential bonus units may be granted only upon determination that the proposal conforms to the general use permit criteria contained in Section 17.134.050 and to each of the following additional criteria:
 - a. The applicant has acquired development rights from the owner(s) of lots within a Retail Priority Site Zone, restricting the number of residential units which may be developed thereon so long as the facilities proposed by the applicant are in existence;
 - b. The owners of all such lots shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;
 - c. The proposed location and site planning of any transferred residential bonus units will not make infeasible future construction of the minimum retail square footage required at that Retail Priority Site;
 - d. Residential bonus units can only be transferred to a lot that cannot meet the minimum retail square footage required in that Retail Priority Site to build residential;
 - e. The site receiving the transferred residential units must include retail area on the ground floor pursuant to the requirements of the D-BV-1 Broadway Retail Priority Sites Zone; and
 - f. Retail floor area that existed prior to the effective date of this Chapter (July 31, month/day, 2014) cannot count towards the retail square footage needed for transfer of development rights for residential bonus units to other Retail Priority Sites.

5. For a bonus of residential units, the State Density Bonus can be applied by providing affordable housing units (see California Government Code, Section 65915-65918, as implemented by Chapter 17.101 of the Oakland Planning Code) or an applicant can utilize the following residential bonus within a Retail Priority Zone. However, these bonuses cannot be combined. The affordable units can be built on site or on another site within any D-BV Zzone. The residential bonus shall not be included when determining the number of target units that must be affordable to the relevant income group. If fifteen percent (15%) of the total Dwelling Units of a Residential Housing Development are affordable, an additional residential bonus of thirty-five percent (35%) will be granted when an applicant for a Residential Housing Development seeks, and agrees to construct, at least any one of the following categories (which are defined in Section 17.107.020 (K), the following definitions in Section 17.107.020 (A)(B)(J)(M) also apply, and all of the provisions of Sections 17.107.110 – 17.107.114 must be met):

- a. Lower Income Households; or
- b. Very Low Income Households; or
- c. A common interest development as defined in Section 1351 of the California Civil Code, for persons and families of Moderate Income, provided that all units in the development are offered to the public for purchase.

6. In the Retail Priority Areas, an exception to the minimum retail square footage required to receive the bonus right to residential units may be granted only upon determination that the proposal conforms to the general use permit criteria contained in Section 17.134.050, to any applicable use permit criteria set forth in Table 17.101C.01 L2, and to each of the following additional criteria:

- a. The applicant submits an architectural study, prepared by a qualified architectural firm, that demonstrates at least one or more alternatives would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified;
- b. Strict compliance with the minimum retail square footage would preclude an effective design solution improving livability, operational efficiency, or appearance; and
- c. The project will remain consistent with the Broadway Valdez District Specific Plan goals and policies related to retail development as well as its Design Guidelines.

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 that retail percentage category.

Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space

Regulation	Percentage (%) of Retail Area Equals the Square Footage of Retail Required from Table 17.101C.05 to Develop Residential Facilities or Taller Non-Residential Facilities		
	50% of Retail Priority Site	60% of Retail Priority Site	Additional Regulations
Maximum Height			
Building Base Max. Height	85 ft.	85 ft.	
Maximum Height Total	200 ft.	200/250 ft.	1, 2
Maximum number of stories (not including underground construction)	19	19/24	1, 2
Height Minimum	N/A	N/A	
Maximum Residential Bonus (retail square feet required per dwelling unit)			
Regular Units	125	100	2, 3, 4
Rooming Units	100	75	2, 3
Maximum Nonresidential FAR	8.0	8.0/10.0	1, 2
Minimum Usable Open Space			
Area: on each lot containing Residential Facilities of two or more units, usable open space shall be provided for such facilities at a rate stated per dwelling unit	75 sf.	75 sf.	5, 6, 7
Area: on each lot containing Residential Facilities of two or more units, usable open space shall be provided for such facilities at a rate stated per rooming unit	38 sf.	38 sf.	5, 6, 7
Area: on each lot containing senior of affordable housing units, usable open space shall be provided for such facilities at a rate stated per dwelling unit or rooming unit	30 sf.	30 sf.	5, 6, 7
Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per dwelling or rooming unit	0 sf.	0 sf.	7
Size and shape of open space: An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown below:			
Private Open Space: is accessible from a single unit	10 ft. for space on the ground floor and 4 ft. on other floors		5, 6, 7
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.		5, 6, 7
Courtyard: a type of group open space that can be located anywhere within the subject property	15 ft.		5, 6, 7
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)		5, 6, 7
Public Ground-Floor Plaza: a type of group open space (see Section 17.127.030) located at street level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving	10 ft.		5, 6, 7

Additional Regulations for Table 17.101C.06:

1. An applicant that provides a retail project that equals at least sixty percent (60%) of the square footage of the Retail Priority Site shall also be granted: (a) a maximum height of two hundred (200) feet and an FAR of 8.0; or (b) a maximum height of two hundred fifty (250) feet

and a FAR of 10.0 for no more than: (i) one building within 100 feet' of 23rd Street and/or within the vacant portion of the block bounded by 23rd Street, Valdez Street, 24th Street, and Waverly Street; (ii) ~~and one building within the block bounded by 23rd Street, Waverly Street, 24th Street, and Harrison;~~ and (iii) one building within the block bounded by 24th Street, Valdez Street, and Harrison Street. ~~may have a maximum height up to 250 feet and a FAR of 10.0.~~

2. See additional regulations in Table 17.101C.05 numbers 2 – 6.

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

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:

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

17.101C.055 – Micro Living Quarters.

A. Definition. For the purposes of the D-BV Zzone Cchapter only, the following definition is added as a facility type. Definitions for other facility types are contained in the Oakland Planning Code Chapter 17.10.

B. Requirements. The following are requirements for Micro Living Quarters.

3. Shared recreational area, with seating or other similar amenities, shall be required in the interior of the Micro Living Quarter building equaling a minimum of five (5) square feet per individual Micro Living Quarter or two hundred fifty (250) square feet, whichever is greater. A shared kitchen may be open to a shared recreation area if it is adjacent to and directly accessible from such shared kitchen facilities. Kitchen counters, cabinets, sinks, and appliances, and the floor area that encompasses an assemblage of these items, shall not be included in the calculation of minimum required shared recreational area. Shared laundry facilities or other similar utilitarian spaces shall also not be included in the calculation of minimum required shared recreational area. The minimum width in this shared recreational area shall be twelve (12) feet. The interior shared recreational area shall be accessible to all tenants of the Micro Living Quarter building.

4. All common areas, space—including but not limited to, shared kitchens, interior recreational area, and outdoor open space, shall be maintained by the building management.

17.101C.060 - Special regulations for Mmini-Llot and Planned Unit Ddevelopments.

- A. Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain regulations that apply to individual lots in the D-BV Zzones may be waived or modified when and as prescribed in Section 17.142.
- B. Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development 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 Zzones, and certain of the other regulations applying in said zone may be waived or modified. The requirement for design review shall not apply to 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.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.101C.065 Special regulations for large-scale developments.

No development which involves more than two hundred thousand (200,000) 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.

17.101C.070 - Other zoning provisions.

- A. Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the D-BV Zzones.
- D. Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the D-BV Zzones.
- E. Landscaping and Screening Standards.** The regulations set forth in Chapter 17.124 shall apply in the D-BV Zzones.
- F. Buffering.** All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

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

Sections:

17.101D.010 Title, purpose and applicability.

17.101D.020 Special regulations governing use and development in the D-KP-4 Zzone.

17.101D.030 Permitted and conditionally permitted activities.

17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 Zzones.

17.101D.060 Design review.

17.101D.090 Minimum lot area width and frontage.

17.101D.100 Maximum floor area.

17.101D.110 Maximum height for new construction.

17.101D.120 Parking and loading areas.

17.101D.130 Signs.

17.101D.160 Skybridges.

17.101D.010 Title, purpose and applicability.

A. **Title and Purpose.** The provisions of this Cchapter shall be known as the D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations. This Cchapter establishes land use regulations for the D-KP-1, D-KP-2 D-KP-3 and D-KP-4 Zones, which are depicted in Figure OMC 1. The purposes of the Kaiser Permanente Oakland Medical Center Zzones are to:

1. 1. ~~Replace the Oakland Medical Center with a new, state of the art facility to serve Kaiser Permanente's Oakland and Alameda membership;~~
2. 2. ~~Comply with state requirements under SB 1953 mandating the seismic upgrade or replacement of the Oakland Medical Center hospital; by January 1, 2013;~~
3. 3. ~~Update and modernize the Oakland Medical Center's patient care and administrative service space to meet Kaiser Permanente's current standards;~~
4. 4. ~~Ensure that the Oakland Medical Center will be architecturally and functionally integrated, and that the Oakland Medical Center will be compatible with the existing neighborhood;~~
5. 5. ~~Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community;~~
6. 6. ~~Provide a set of procedures and practices to review and consider future design of new building construction.~~

B. **Description of Zones.** This Chapter establishes land use regulations for the following four (4) zones:

1. **D-KP-1 Kaiser Permanente Oakland Medical Center Commercial District – 1**
Commercial 1 Zone: The D-KP-1 Zone is intended for those properties north of MacArthur Boulevard and west of Broadway.

2. **D-KP-2 Kaiser Permanente Oakland Medical Center Commercial District – 2**
Zone: The D-KP-2 Zone is intended for those properties south of MacArthur Boulevard.

3. **D-KP-3 Kaiser Permanente Oakland Medical Center Commercial District – 3**
Zone: The D-KP-3 Zone is intended for those properties north of MacArthur Boulevard and east of Broadway.

4. **D-KP-4 Kaiser Permanente Oakland Medical Center 4-Residential District – 4**
Zone: The D-KP-4 Zone is intended for those single family residential properties on the east side of Manila Avenue and will have the permitted uses further restricted during time the properties remain a part of the Kaiser Permanente Oakland Medical Center.

CB. The Kaiser Permanente Oakland Medical Center Zoning District is applied as an overlay district for those properties which are not owned by Kaiser Permanente. The existing zoning designation shall remain as the applicable zoning district, and the zoning regulations associated with that zoning district shall govern all development and use of the property until Design Review for the parcel/lot is approved by the City in accordance with the provisions of the D-KP District, with the consent of the property owner. Upon approval of Design Review, the zoning standards, guidelines, regulations and other requirements for the development and use of property within the applicable D-KP District and the adopted conditions of approval or mitigation monitoring program shall govern the use and development of that property.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.020 Special regulations governing use and development in the D-KP-4 Zzone.

A. The properties in the D-KP-4 Zone that are zoned RU-3 shall be subject to the regulations of the RU-3 Residential Zzone, except that while the properties are included as a part of the Kaiser Permanente Oakland Medical Center, the properties may only be used for the following activities: (i) single family residential uses; (ii) sleeping rooms for medical center staff; or (iii) temporary housing for families of members receiving long-term care at the Kaiser Permanente Oakland Medical Center.

B. The existing One-Family Dwelling Residential Facility ~~single-family residential buildings~~ on the east side of Manila within the D-KP-4 Zone shall remain.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.030 Permitted and conditionally permitted activities.

Table 17.101D.01 lists the permitted, conditionally permitted, and prohibited activities in the D-KP-1, D-KP-2, and D-KP-3 Zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

"—" designates uses that are prohibited in the corresponding zone.

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Table 17.101D.01 Permitted and Conditionally Permitted Activities

Activity Types Activities	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Residential Activities				
Permanent	P	P	P	
Residential Care	P(L6)C	P(L6)C	P(L6)C	17.103.010
Service-Enriched Permanent Supportive Housing	P(L6)C	P(L6)C	P(L6)C	17.103.010
Transitional Housing	P(L6)C	P(L6)C	P(L6)C	17.103.010
Emergency Shelter	C	C	C	17.103.010
Semi-Transient	C	C	C	17.103.010
Bed and Breakfast	C	C	C	17.10.125
Civic Activities				
Essential Service	P(L5)	PL5)	P(L5)	
Limited Child-Care	P	P	P	
Community Assembly	P	P	P	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	C	C	C	
Health Care	P	P	P	
Special Health Care	C(L1)	C(L1)	C(L1)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
Commercial Activities				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurants and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	P	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	

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Activity Types Activities	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L2)	P(L2)	P(L2)	
Consultative and Financial Service	C	C	C	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair	P	P	P	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C(L3)	C(L3)	C(L3)	
Personal Instruction and Improvement <u>Services</u>	P	P	P	
Administrative	C	C	C	
Business, Communication, and Media Service	C	C	C	
Broadcasting and Recording Services	C	C	C	
Research Service	C	C	C	
General Wholesale Sales	—	—	—	
Transient Habitation	—	—	—	
Building Material Sales	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
Industrial Activities	All Industrial Activities prohibited in these zones			
Agricultural and Extractive Activities				
Limited Agriculture	C(L4)	C(L4)	C(L4)	
Extensive Agriculture	—	—	—	
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the	C	C	C	17.74.030 17.116.075

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Activity Types Activities	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
conditions set forth in Section 17.116.075				
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	17.102.110

Limitations:

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 Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L3. 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.

L5. Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, 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. 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 Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 Zones.

Table 17.101D.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-KP-1, D-KP-2, and D-KP-3 Zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

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"—" designates uses that are prohibited in the corresponding zone

Table 17.101D.02 Permitted and Conditionally Permitted Facilities

Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Residential Facilities				
One-Family Dwelling	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	17.103.080
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	—	—	—	
Nonresidential Facilities				
Enclosed nonresidential facilities	P	P	P	
Open nonresidential facilities	C(L2)	C(L2)	C(L2)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	C	C	
Drive-Through	C(L1)	(L1)	C(L1)	17.103.100
Telecommunications Facilities				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	
Monopole Telecommunications	C	C	C	
Tower Telecommunications	—	—	—	
Sign Facilities				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

Limitation:

L2. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.060 Design review.

A. Design Review Application.

1. Pre-Application Conference: Prior to application for design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department before or at an early stage in the design process to review the proposed project for consistency with the adopted Kaiser Permanente Oakland Medical Center Master Plan. At the conference, the City representative shall provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the City representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.

B. Exemptions from Design Review. The following changes to existing nonresidential buildings are exempt from design review:

2. Alterations or additions of floor area or footprint that are determined by the Director of City Planning to be visible from the street or from other public areas, but which comprises less than ten percent (10%) of the total floor area, or anything under twenty-five thousand (25,000) square feet, whichever is smaller;
4. Any alteration or addition not normally exempt which is used as a loading dock, recycling area, utility area, porch, deck or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor or footprint area, and has no significant visual or noise impact to neighboring properties or from a public street. Exemptions only permitted where the proposal conforms with all buffering requirements in Chapter 17.110 and all performance standards in Chapter 17.120;

C. Small Project Design Review. "Small project design review" means design review for minor alterations or additions to existing facilities that do not require a Subsequent or Supplemental EIR nor any other permit, variance or other approval pursuant to the zoning regulations of Title 17 of the Oakland Planning Code.

2. Procedure for Consideration of Small Project Design Review: An application for small project design review shall be considered by the Director of City Planning.
 - d. Whenever an application for small project design review has been denied by the Director of City Planning, no small project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review within one year of denial in accordance with Section 17.136.120.

D. Regular Project Design Review. Unless determined exempt or subject to small project design review pursuant to Section 17.101D.040 B or C above, no building, sign or other

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facility shall be constructed or established or altered in such a manner as to substantially affect its exterior appearance unless plans for such proposal have been approved pursuant to the following Regular Design Review procedures:

1. Reviewing Body:

- a. If the project requires preparation of a Subsequent or Supplemental Environmental Impact Report, or involves more than twenty-five thousand (25,000) square feet ~~or more of new~~ floor area, or includes a proposed skybridge, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision.
- b. All other applications for regular design review shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

2. Procedure for Consideration of Design Review: Applications for design review shall be considered by the Director of City Planning or the Planning Commission according to the following procedures:

- f. An initial decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

E. Design Review Criteria. Design review approval may be granted only if the proposal is in substantial conformance to the Kaiser Permanente Oakland Medical Center Master Plan including without limitation its goals, objectives, principles and guidelines, and also conforms to all of the following criteria:

F. Adherence to Approved Plans. A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate in accordance with Section 17.136.100.

G. Revocation/Enforcement. In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval or take other enforcement actions in accordance with the procedures in Chapter 17.152.

H. Review by Landmarks Board. A design review application may be subject to review by the Landmarks Preservation Advisory Board in accordance with Section 17.136.040.

I. Design Review and Other Approvals. Whenever design review approval is required for a proposal also requiring a conditional use permit, or Planned Unity Development (PUD) permit or variance, the application for design review shall be included in the application to said permit and shall be processed and considered as part of same, in accordance with Section 17.136.120.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.090 Minimum lot area width and frontage.

The following table contains the minimum lot area, width and frontage requirements for the zones in this Chapter.

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Standard	Zone		
	D-KP-1	D-KP-2	D-KP-3
Minimum lot area	4,000	4,000	4,000
Minimum lot width <u>mean</u>	25 ft.	25 ft.	25 ft.
Minimum lot frontage	25 ft.	25 ft.	25 ft.

Lot width and frontage for D-KP-4 based on the RU-3 Zone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.100 Maximum floor area.

The maximum floor area for the aggregate of all the D-KP zoned properties shall not exceed 1.76 million square feet excluding parking structures. This includes approximately four hundred thirty-two thousand three hundred (432,300) square feet of existing buildings not to be redeveloped (the Piedmont, Howe, Fabiola, Mosswood and Kings Daughter Mental Health buildings) and a maximum of one million three hundred fifty-three thousand (1,353,000) square feet of new construction. The following floor area requirements will ensure that density of new construction is appropriately distributed throughout the D-KP Zones.

- A. The maximum floor area of new construction in the D-KP-1 Zone shall be one hundred seventy-two thousand seven hundred (172,700) square feet (one hundred sixty-five thousand (165,000) square feet of medical office space and a maximum of seven thousand seven hundred (7,700) square feet retail.)
- B. The maximum floor area of new construction in the D-KP-2 Zone shall be nine hundred fifty-seven thousand (957,000) square feet. An additional sixty thousand (60,000) square feet of space may be added to this building (to a maximum of one million one hundred seven thousand (1,107,000) square feet) provided that Kaiser submit a schematic development plan that delineates the development program for Phase 3. In order to qualify for this option, the schematic development plan for Phase 3 must be submitted for review by the City Planning Commission prior to occupancy of the Phase 2 parking garage.
- C. The maximum floor area of new construction in the D-KP-3 Zone shall be two hundred twenty-three thousand (223,000) square feet. However, should Kaiser select to add the additional sixty thousand (60,000) square feet of space to Phase 2 as described in Subsection B, above, then the maximum floor area of Phase 3 would be correspondingly reduced by as much as sixty thousand (60,000), to a maximum of one hundred sixty-three thousand (163,000) square feet.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.110 Maximum height for new construction.

The maximum heights for new construction in the D-KP Zones shall be as follows:

- C. In the D-KP-3 Zone, the maximum height of new buildings (not including parking structures) shall be seventy (70) feet (five (5) stories at fourteen (14) feet per story). Parking structures shall be limited to a maximum of fifty-three (53) feet. In the D-KP-3

Zone, all structures shall be set back from the adjacent RM-3 Zone on Cerrito Avenue, Howe Street, and 38th Street by a minimum of twelve (12) feet. No structure may exceed thirty (30) feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above thirty (30) feet, up to the maximum allowable height.

D. Maximum height for D-KP-4 is equivalent to RU-3 requirements.

(Ord. No. 12064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.120 Parking and loading areas.

- A. Parking shall be determined on a D-KP District-wide basis and the amount, location and distribution of parking shall be determined as part of the Design Review Process. The parking demand study prepared for adoption of the D-KP district determined that upon completion of new construction to the full 1.78 million (1,780,000) square foot total, approximately three thousand five hundred eighty-four (3,584) parking spaces will be required. The actual amount of required parking shall be imposed as a condition of approval based on the current or updated parking study and the adopted Transportation Demand Management program, as approved by the City. The requirements set forth herein may be modified during the design review process, upon a finding that the modification is supported by an updated parking analysis prepared by a professional traffic engineer, as approved by the City.
- B. Unless otherwise permitted pursuant to a conditional use permit, deliveries that rely on the use of loading areas or driveways within two hundred (200) feet of a residentially zoned property shall be limited to the hours of 5:00 a.m. to 7:00 p.m.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010)

17.101D.130 Signs.

- A. If a comprehensive Ssign program is adopted as part of the Kaiser Permanente Oakland Medical Center Master Plan, the provisions of the comprehensive Ssign program shall govern and shall supersede the provisions of Chapter 17.104.

17.101D.160 Skybridges.

- D. The Director of City Planning shall refer all Design Review processes regarding skybridges to the City Planning Commission for initial decision. An initial decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

Sections:

- 17.101E.010 Title, intent, and description.
- 17.101E.020 Required design review.
- 17.101E.030 Permitted and conditionally permitted activities.
- 17.101E.040 Permitted and conditionally permitted facilities.
- 17.101E.050 Property development standards.
- 17.101E.060 Permitted frontage types.
- 17.101E.070 Special regulations for work/live units.
- 17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.
- 17.101E.090 Special Regulations for Mini-lot and Planned Unit Developments.
- ~~17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone.~~
- 17.101E.110 Special Parking Regulations for the D-CE Zones.
- 17.101E.112 Other zoning provisions.

17.101E.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the D-CE Central Estuary District Zones Regulations. The intent of the Central Estuary District (D-CE) Zones is to:
 - 1. Implement the Central Estuary Area Plan (CEAP) in the Central Estuary District;
 - 2. Preserve and enhance opportunities for business and employment development in uses that can benefit from proximity to existing commercial, industrial and mixed use facilities in the area;
 - 3. Encourage the creation of mixed-use districts that integrate various combinations of residential, industrial, commercial, public open space and civic uses;
 - 4. Establish development standards that allow Residential, Industrial, Commercial, public Open Space and Civic Activities to compatibly co-exist;
 - 5. Provide convenient access to public open space and the waterfront;
 - 6. Improve access to the waterfront and recreational opportunities along the waterfront, including boat launches and marinas;
 - 7. Encourage quality and variety in building and landscape design, as well as compatibility in use and form;
 - 8. Encourage development that is respectful of the environmental qualities that the area has to offer;
 - 9. Provide a framework of development standards that takes into account the scale, massing and context of the surrounding community;

10. Provide a set of procedures and practices to review and consider future design of new building construction; and
 11. Preserve and enhance distinct neighborhoods in the Central Estuary District.
- B. Description of Zones. This Chapter establishes land use regulations for the following six (6) zones:
1. **D-CE-1 Central Estuary District Commercial - 1 Zone—4 (Embarcadero Cove).** The D-CE-1 Zone is intended to create, maintain, and enhance areas of the Central Estuary that have a mix of marine, office and other commercial uses.
 2. **D-CE-2 Central Estuary District Commercial - 2 Zone—2 (High Street Retail).** The D-CE-2 Zone is intended to create, maintain, and enhance areas of the Central Estuary with a wide range of commercial uses with direct street frontage and access to the freeway.
 3. **D-CE-3 Central Estuary District Mix - 3 Zone -3 (Jingletown/Elmwood).** The D-CE-3 Zone is intended to create, maintain, preserve, and enhance areas of the Central Estuary that have a mix of industrial, heavy commercial and residential development. This zone is intended to promote housing with a strong presence of Commercial and Industrial Activities.
 4. **D-CE-4 Central Estuary District Mix - 4 Zone -4 (Mixed Use Triangle).** The D-CE-4 Zone is intended to create, maintain, and enhance areas of the Central Estuary that have a mix of Industrial and Hheavy Commercial Activities. Higher density residential development is also appropriate in this zone.
 5. **D-CE-5 Central Estuary District Industrial - 5 Zone -5 (Food Industry Cluster/High St. Warehouse Wedge/Tidewater South).** The D-CE-5 Zone is intended to create, preserve, and enhance areas of the Central Estuary that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards.
 6. **D-CE-6 Central Estuary District Industrial - 6 Zone —6 (Con Agra/Owens Brockway/Tidewater North).** The D-CE-6 Zone is intended to create, preserve, and enhance areas of the Central Estuary that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts, such as noise, light/glare, odor, and traffic. This zone allows industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

17.101E.020 Required design review.

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the "Design Guidelines for the Central Estuary" is required for any proposal in the D-CE Zones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the "Design Guideline for the Central Estuary", the design objectives in the "Design Guidelines for the Central Estuary" shall prevail.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

17.101E.030 Permitted and conditionally permitted activities.

For the purposes of this Chapter only, the following definition is added as an Activity. Definitions for the other Activities listed in Table 17.101E.01 are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

- Boat and Marine—Related Sales, Rental, Repair and Servicing Activities** include the sale, rental, leasing and incidental cleaning, servicing, and repair of boats and other vehicles and facilities associated with water- and marine-based travel and movement. This classification also includes activities associated with docks and marinas where boats and ships are anchored, moored, rented, sold or serviced.

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

"P" designates permitted activities in the corresponding zone.

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

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

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.10.040.

Table 17.101E.01: Permitted and Conditionally Permitted Activities

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Residential Activities							
Permanent	—	—	P(L1)	P(L1)	—	—	
Residential Care	—	—	P(L1)	P(L1)	—	—	17.103.010
Service-Enriched Permanent <u>Supportive Housing</u>	—	—	<u>PC</u> (L1)	<u>PC</u> (L1)	—	—	<u>17.103.010</u>
Transitional Housing	—	—	<u>PC</u> (L1)	<u>PC</u> (L1)	—	—	<u>17.103.010</u>

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Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Emergency Shelter	—	—	C(L1)	C(L1)	—	—	17.103.010
Semi-Transient	—	—	C	C	—	—	17.103.010
Bed and Breakfast	—	—	P	—	—	—	17.10.125
Civic Activities							
Essential Service	P(L18)	P(L18)	P(L22)	P(L22)	P(L18)	P(L18)	
Limited Child-Care Activities	—	—	P	—	—	—	
Community Assembly	—	—	P(L2)	—	C	—	
Recreational Assembly	P	C	P(L2)	C	C	—	
Community Education	P	P	C	C	C	—	
Nonassembly Cultural	P	P	P(L3)	P(L3)	C	—	
Administrative	P	P	P(L3)	P(L3)	C	—	
Health Care	—	—	C	C	—	—	
Special Health Care	—	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	C	
Commercial Activities							
General Food Sales	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Full Service Restaurants	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Limited Service Restaurant and Cafe	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Fast-Food Restaurant	—	C	—	—	C	—	17.103.030 and 8.09
Convenience Market	C	C	C	C	—	—	17.103.030
Alcoholic Beverage Sales	C	C	C	C	C	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	C	—	—	

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Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Medical Service	—	—	—	—	—	—	
General Retail Sales	P	P	P(L5)	P(L5)	P(L5)	—(L6)	
Large-Scale Combined Retail and Grocery Sales	—	C	—	—	—	—	
Consumer Service	P	P	P	P	P	—	
Consultative and Financial Service	P	P	P(L3)	P	C	—	
Check Cashier and Check Cashing	—	C	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	—	P	C	C	C	—	
Consumer Dry Cleaning Plant	—	C	—	—	C	C	
Group Assembly	C	C	C	C	C	C(L8)	
Personal Instruction and Improvement Services	P	P	C	C	C	C(L8)	
Administrative	P	P	P(L3)	P(L3)	P	—(L9)	
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(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	P(L2)	P(L12)	P	—	
Boat and Marine-Related Sales, Rental, Repair and Servicing	P	—	—	—	—	C	
Automobile and Other Light Vehicle Sales and Rental	—	C	—	—	—	C	

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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 Gas Station and Servicing	—	C	—	—	C	P(L14)	
Automobile and Other Light Vehicle Repair and Cleaning	—	C(L13)	—	—	C	P(L14)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	C	
Automotive Fee Parking	—	—	—	C	C	C	
Animal Boarding	—	C	C	C	—	—	
Animal Care	—	P	C	C	—	—	
Undertaking Service	—	—	—	—	C	C	
Industrial Activities							
Custom Manufacturing	C	P	P(L3)	P(L3)	P	P	17.120
Light Manufacturing	C	P	P(L2)(L10)	P(L3)(L10)	P	P	17.120
General Manufacturing	—	—	—	—	P	P	
Heavy/High Impact	—	—	—	—	—	C	
Research and Development	P-(L2)	P(L3)(L10)	P(L3)(L10)	P(L3)(L10)	P	P	
Construction Operations	—	—	—	C	P (L14)	P (L14)	
Warehousing, Storage, and Distribution-Related:							
A. General Warehousing, Storage and Distribution	C	—	P(L2)	P(L3)	P	P	
B. General Outdoor Storage	—	—	—	—	P(L14)	P(L14)	
C. Self- or Mini-Storage	—	—	—	C	C	—	
D. Container Storage	—	—	—	—	P(L14)	P(L14)	
E. Salvage/Junk Yards	—	—	—	—	—	C	

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Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Regional Freight Transportation-Related:							
A. Seaport	—	—	—	—	—	C	
B. Rail Yard	—	—	—	—	C	C	
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	P(L14)	P(L14)	
B. Truck Yard	—	—	—	—	C	P(L14)	
C. Truck Weigh Stations	—	—	—	—	P	P(L14)	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	P(L14)	P(L14)	
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L14)	P(L14)	
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
Hazardous Materials Production, Storage, and Waste Management-Related:							
A. Small Scale Transfer and Storage	—	—	—	—	C	C(L14)(L17)	
B. Industrial Transfer/Storage	—	—	—	—	—	C(L14)(L17)	
C. Residuals Repositories	—	—	—	—	—	C(L14)(L17)	
D. Oil and Gas Storage	—	—	—	—	—	C(L14)(L17)	
Agriculture and Extractive Activities							
Limited Agriculture	C(L19)	C(L19)	P(L20)	P(L20)	C(L19)	C(L19)	
Extensive Agriculture	C(L21)	C(L21)	C(L21)	C(L21)	C(L21)	C(L21)	
Plant Nursery	—	C	C	C	P	P	

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Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Mining and Quarrying	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	17.116.175
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

Limitations on Table 17.101E.01:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L2. The total floor area devoted to these activities by a 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).

L9. Administrative activities accessory to an existing industrial activity are limited to twenty percent (20%) of floor area in D-CE-6.

L12. 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 twenty-five thousand (25,000) square feet or larger, or covers more than twenty-five thousand (25,000) square feet ~~or more of~~ floor area.

L13. 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.

L14. A Conditional Use Permit is required if located within three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-3 Zone; or c) any Open Space Zone (see Chapter 17.134 for the CUP procedure). This activity is permitted if beyond 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 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. All special regulations for primary collection centers in the Industrial Zones must be met as listed in Section 17.73.035.

L22. Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, 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).

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

17.101E.040 Permitted and conditionally permitted facilities.

For the purposes of this Chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in Table 17.101E.02 are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

1. "Live/Work" means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Live/Work unit is intended to accommodate both Residential and Nonresidential Activities.
2. "Work/Live" means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit is intended to accommodate a primary Nonresidential Activity with an accessory residential component.

Table 17.101E.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-CE Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.101E.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Residential Facilities							
One-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	

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Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	
Multifamily Dwelling	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Rooming House	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Mobile Home	—	—	—	—	—	—	
Live/Work	—	—	P	P	—	—	
Nonresidential Facilities							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	P	P	C(L4)	C(L4)	P	P	
Work/Live	—	—	P	P	C	—	
Sidewalk Cafe	P	P	P	P	C	—	17.103.090
Drive-In	C	C	—	C	—	—	
Drive-Through	C	C	—	C(L2)	C	C	17.103.100
Telecommunications Facilities							
Micro Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Mini Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Macro Telecommunications	C	C	C	C	C	P(L3)	17.128
Monopole Telecommunications	C	C	C	C	C	P(L3)	17.128
Tower Telecommunications	—	—	—	—	—	P(L3)	17.128
Sign Facilities							
Residential Signs	—	—	P	P	—	—	17.104
Special Signs	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	—	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	—	17.104

Limitations on Table 17.101E.02:

L4. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

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 regulation is Not Applicable to that zone.

Table 17.101E.03 Property Development Standards

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum Lot Dimensions							
Lot Width mean	25 ft.	25 ft.	35 ft.	35 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	35 ft.	35 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks							
See also "Design Guidelines for the Central Estuary" Section 3.3.							
Minimum front	0 ft.	0 ft.	0/10 ft.	0/10 ft.	5 ft.	5 ft.	1, 2
Minimum interior side	0 ft.	0 ft.	0/4 ft.	0 ft.	0 ft.	0 ft.	1, 2
Minimum street side of a corner lot	0 ft.	0 ft.	0/4 ft.	0/4 5-ft.	4 5-ft.	4 5-ft.	1, 2
Rear (Residential Facilities)	N/A	N/A	0/10 ft.	0/10 ft.	N/A	N/A	1, 2, 3
Rear (Nonresidential Facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	1, 2
Reduced Side and Rear Setbacks (for Smaller Lots by right, or through design review approval)	See Table 17.101E.04 for reduced setbacks for smaller lots by right, and Additional Regulation 2 below for reduced setbacks through regular design review approval (see Chapter 17.136 for the design review procedure).						
Height Regulations							
See also "Design Guidelines for the Central Estuary" Section 4.2.							

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Maximum height	45 ft.	85 ft.	45/55 ft.	75 ft.	85 ft.	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.						
Minimum fence height in yards adjacent to open space zones	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 Open Space Zones	8 ft.	N/A	8 ft.	8 ft.	12 ft.	12 ft.	8
Maximum Residential Density (square feet of lot area required per dwelling unit) See also "Design Guidelines for the Central Estuary" Section 4.3.							
Regular Units	N/A	N/A	700	450 700	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	225 350	N/A	N/A	9, 10
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	2.0	3.0	3.0	3.0	3.0	2.0	10
Minimum Usable Open Space See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per regular unit	N/A	N/A	150 sf.	100 sf.	N/A	N/A	11
Group usable open space per regular unit when private open space substituted	N/A	N/A	30 sf.	20 sf.	N/A	N/A	11
Group usable open space per rooming unit	N/A	N/A	75 sf.	50 sf.	N/A	N/A	11
Group usable open space per rooming unit when private open space is substituted	N/A	N/A	15 sf.	10 sf.	N/A	N/A	11

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum Parking and Loading Requirements	See Chapter 17.116 for loading and automobile parking; Chapter 17.117 for bicycle parking; and "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
Courtyard Regulations	N/A	N/A	See Section 17.108.120	See Section 17.108.120	N/A	N/A	
Landscaping Regulations							
See also "Design Guidelines for the Central Estuary" Section 3.8 and 5							
Site Landscaping (including parking lot)	See Chapters 17.110, and 17.124 for buffering, landscaping and screening standards.						13, 14, 15
Site landscaping (% of lot area)	See Chapters 17.110, and 17.124				5%	5%	14
Parking lot landscaping (% of lot area)	See Chapters 17.110, and 17.124				10%	10%	14
Driveway and Site Access Regulations							
See also "Design Guidelines for the Central Estuary" Sections 3.4 and 3.7.							
Minimum Distance of driveway or site access from any <u>Residential or Open Space Zone</u> boundary	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				50 ft.	50 ft.	16
Driveway Width Maximum	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				35 ft.	35 ft.	17
Pedestrian Walkway	N/A	N/A	N/A	N/A	Required	Required	18
Frontage Type Standards	See Table 17.101E.05. See also "Design Guidelines for the Central Estuary" Section 4.1.						

Additional Regulations for Table 17.101E.03:

1. See Table 17.101E.04 for general reduced setbacks for smaller lots. See also Section 17.108.130 for allowed projections into setbacks, and See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.

2. In the D-CE-3 and D-CE-4 Zones, the minimum front, interior side, street side, and/or rear setbacks may be reduced to as little as 0 feet upon the granting of regular design review approval (see Chapter 17.136), and upon determination that any smaller dimension will not adversely affect the livability or appropriate development of abutting residential properties. 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. In addition, the minimum setback may be reduced to 0 feet by right in the D-CE-4 Zone along all lot lines designated as Public Frontages on the D-CE Zoning Map (see Section 17.101E.060 for a description of this frontage type).

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 living 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 any 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 ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.~~

7. In the D-CE-3 Zone, the outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: (1) the storage is within fifteen (15) feet from any property line of a lot containing Residential Aactivities and (2) the storage faces any windows of a Residential Efacility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Oakland Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the "Design Guidelines for the Central Estuary". In the D-CE-5 and D-CE-6 Zones, the height of outdoor materials stored within the required side or rear setback shall be no higher than eight (8) feet. However, outdoor materials may be stored up to ten (10) feet if they are no higher than a solid masonry wall that is located between the materials and the property line associated with the required setback in which the materials are located. In this case, buffer planting must be installed between the storage area and the masonry wall. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the required setback shall be according to the Fire Code regulations.

8. In the D-CE-5 and D-CE-6 Zones, this regulation applies to all property lines which directly abut a Residential or Open Space Zone, except those fronting a public street. Buffering requirements also apply to: a) new development; or expansion of an industrial or commercial building by more than twenty percent (20%) of total floor area, or b) addition or expansion of an existing building so that the lot coverage exceeds thirty-five percent (35%), whichever is greatest. The planting requirement may be reduced but not eliminated if appropriate and approved by the Planning Director. The twelve (12) foot maximum fence height may only be achieved with additional screening. The fence or wall design shall be approved by the Planning Director. See also "Design Guidelines for the Central Estuary", Section 3.8 and 4.1.

9. In the D-CE-3 and D-CE-4 Zones, see Chapter 17.107 and Section 17.106.060 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unity on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. In the D-CE-3 Zone, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a conditional use permit (see Chapter 17.134 for the conditional use permit process).

This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

11. In the D-CE-3 and D-CE-4 Zones, usable open space is not required for Work/Live, and is only required on lots with two (2) residential or Live/Work units or more, and not required for a One-Family Dwelling with Secondary Unit. ~~single-family homes with secondary units~~. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot, provided the Frontage Type design guidelines are followed (see Section 4.1 of the "Design Guidelines for the Central Estuary").

12. In the D-CE-5 Zone, parking for new development shall be located at the rear of the site or at the side of the building except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a Residential Zzone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right-of-way. All existing loading docks are not subject to this requirement.

13. Any new principal residential building or addition over five hundred (500) square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding Secondary Uunits of five hundred (500) square feet or less. The landscaping and buffering plan shall contain the following:

14. In the D-CE-5 and D-CE-6 Zones, the following landscape requirements apply:

b. Required parking lot landscaping: For all lots associated with ~~new construction of~~ with more than twenty-five thousand (25,000) square feet of new floor area, a minimum of ten percent (10%) of parking lot area shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls; permeable surfacing in lieu of irrigated landscaping may be provided if approved through design review procedure in Chapter 17.136. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces throughout the parking lot. Parking lots located adjacent to a public right-of-way shall include screening consistent with the landscaping and buffering guidelines in the "Design Guidelines for the Central Estuary".

15. For all non-residential projects over one thousand (1,000) square feet, street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one (1) 15-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.

B. **Reduced Setbacks for Smaller Lots.** Table 17.101E.04 below prescribes reduced setback standards for lots less than 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 Setbacks for Smaller Lots

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Regulation	Lot Size	Additional Regulations
	≤ 4,000 square feet 3,000 sf. or ≤35 feet wide	
Minimum Setbacks		
Minimum Front	5 ft.	1
Minimum interior side	3 ft.	1
Minimum street side	3 ft.	1
Rear	10 ft.	1

Additional Regulations for Table 17.101E.04:

1. See Section 17.108.130 for allowed projections into setbacks.

17.101E.060 Permitted frontage types.

- A. Applicability. The frontage types described below are only applicable to the Central Estuary Zones.
- B. Definitions. (See the "Design Guidelines for the Central Estuary", Section 4.1) The following definitions apply to this Chapter only:
- C. Table 17.101E.05 below prescribes development standards specific to frontage types allowed. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. Intent, guidance and application of building Frontage Types can be found in the "Design Guidelines for the Central Estuary."

Table 17.101E.05: Frontage Type Standards
See "Design Guidelines for the Central Estuary" Section 4.1.

	Blank Wall (maximum length in feet)		Transparency min. glazed area (percent of building facade)	Access (spacing in feet or per unit)	Additional Regulations
	Primary lot frontage	Secondary lot frontage			
Public Frontage	10 ft.	15 ft.	50%	50 ft. max.	1, 2
Semi-Public Frontage	20 ft.	20 ft.	40%	75 ft. max.	1, 2
Private Frontage	25 ft.	25 ft.	N/A	Min. 1 per unit or lobby	1, 2
Service Frontage	35 ft.	35 ft.	N/A	Min. 1 per primary lot frontage	1, 2, 3

Additional Regulations for Table 17.101E.05:

1. Minimum glazed area is measured between two (2) feet and nine (9) feet 2'-0" and 9'-0" above adjacent interior finished floor elevation.

17.101E.070 Special regulations for work/live units.

A. Applicability.

1. Work/Live space shall be considered Commercially/ Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of work/live units shall: (1) clearly state that the proposal includes Commercially/Industrially Oriented Joint Living and Working Quarters, and (2) label the units intended to be these units as Commercially/ Industrially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow Industrial Activities in work/live units in the Industrial Zones.
2. Work/Live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. D-CE-3 and D-CE-4 Zones. A Work/Live unit in the D-CE-3 and D-CE-4 Zones must meet all applicable regulations contained in this Section. The D-CE-3 and D-CE-4 Zones regulations in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters.
4. D-CE-5 Zone. A Work/Live unit in the D-CE-5 Zone must meet all applicable regulations contained in this Section. The D-CE-5 Zones regulations in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters for work/live units.
5. D-CE-1, D-CE-2, and D-CE-6 Zones. Work/Live units are not allowed in the D-CE-1, D-CE-2, or D-CE-6 Zones.

B. Definition. The following definitions apply to this Chapter only:

1. For purposes of Work/Live conversion, an "existing building" must be at least ten (10) years old and originally designed for industrial or commercial occupancy.
2. "Residential floor area" shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms and hallways serving such areas.
3. "Nonresidential floor area" shall include floor areas designated for working.

C. Regular design review required. 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 to all of the following additional criteria:

1. That the exterior of a new building containing primarily Work/Live units in the Industrial Zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;

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.

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"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 that zone.

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

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Activities Allowed							
Work/Live - new construction	—	—	P	P	—	—	
Work/Live - conversion of existing building	—	—	P	P	C	—	1
Activities allowed in a Work/Live unit	N/A	N/A	Same permitted and conditionally permitted activities as described in Section 17.101E.030	Same permitted and conditionally permitted activities as described in Section 17.101E.030	Same permitted and conditionally permitted activities as described in Section 17.101E.030	N/A	
Minimum Size of Work/Live Unit	N/A	N/A	800 sf.	800 sf.	800 sf.	N/A	
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	N/A	N/A	3.0	3.0	N/A	N/A	2
Work/Live Unit Type Permitted See Table 17.101E.07 for definitions of the different types of Work/Live units.							
Type 1	—	—	P	P	C	—	3
Type 2	—	—	P	P	—	—	3
Minimum Usable Open Space - See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per Work/Live unit	N/A	N/A	75 sf.	75 sf.	N/A	N/A	4
Parking and Loading Requirements - See also "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8.							

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Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum parking spaces required per Work/Live unit	N/A	N/A	1	1	N/A	N/A	5
Unassigned visitor or employee parking space required per 5 Work/Live units	N/A	N/A	1	1	N/A	N/A	5
Required Bicycle Parking with Private Garage							
Short-term space per 20 Work/Live units	N/A	N/A	1	1	N/A	N/A	6
Minimum short-term spaces	N/A	N/A	2	2	N/A	N/A	6
Required Bicycle Parking without Private Garage							
Short-term space per 20 Work/ Live units and long-term space per 4 units	N/A	N/A	1	1	N/A	N/A	6
Minimum short-term spaces and minimum long-term spaces	N/A	N/A	2	2	N/A	N/A	6
Required Loading - See also "Design Guidelines for the Central Estuary" Section 3.6							
<25,000 sf.	N/A	N/A	No berth	No berth	N/A	N/A	7
25,000 - 69,999 sf.	N/A	N/A	1 berth	1 berth	N/A	N/A	7
70,000 - 130,000 sf.	N/A	N/A	2 berths	2 berths	N/A	N/A	7
Each additional 200,000 sf.	N/A	N/A	1 more berth	1 more berth	N/A	N/A	7
Public Entrance to Nonresidential Floor Area	N/A	N/A	Yes	Yes	Yes	N/A	8

Additional Regulations for Table 17.101E.06:

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

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

b. That the workers and others living there will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions.

2. Work/Live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.

3. See Table 17.101E.07 for definitions of the different types of Work/Live units.

4. Open space standards apply to new construction only. For conversion of existing buildings, maintaining existing open space is required to at least these minimum standards. 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 standards apply to new construction only. For conversion of existing buildings, maintaining existing parking is required to at least these minimum standards. 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.

E. Table 17.101E.07 below describes the different types of 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 Work/Live Units

Unit Type	Maximum residential floor area	Special requirements	Separation between residential and nonresidential floor area	Additional Regulations
Type 1	One-third	All remaining floor area to be used for the primary <u>Nonresidential</u> non-residential <u>Activity</u> .	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

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Type 2	50 percent	<p>1. At least 75% of the ground floor must be dedicated to nonresidential floor area; and</p> <p>2. The ground floor must be directly accessible to the street and have a clearly designated business entrance.</p>	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall. (see Note 2, below, for an exception for kitchens).	1, 2, 3
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Additional Regulations for Table 17.101E.07:

1. All required plans for the creation of Work/Live units shall: (1) delineate areas designated to contain Residential Aactivities and areas designated to contain Nonresidential Aactivities, and (2) contain a table showing the square footage of each unit devoted to Residential and Nonresidential Aactivities. ~~See Section 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.~~

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 a 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.

F. Additional Regulations for all Work/Live units.

1. Each Work/Live unit shall contain at least one (1) tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.
2. For any Work/Live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:
 - a. The Work/Live unit is in a Nonresidential Facility that allows Commercial and/or Industrial Aactivities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
 - b. Each Work/Live unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

4. The development of Work/Live units in the Industrial Zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for work/live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.

A. Applicability.

1. Live/Work units are Residential Facilities and shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's Condominium Conversion Ordinance, Chapter 16.36. The same requirements contained in the City's Condominium Conversion Ordinance that relate to residential units shall apply to Live/Work units.
2. D-CE-3 and D-CE-4. A Live/Work unit in the D-CE-3 and D-CE-4 Zones must meet all applicable regulations contained in this Section. Regulations in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters.
3. D-CE-1, D-CE-2, D-CE-5, and D-CE-6. Live/work units are not allowed in the D-CE-1, D-CE-2, D-CE-5, or D-CE-6 Zones.

B. Definition. The following definitions apply to this Chapter only: For purposes of Live/Work conversion, an "existing building" must be at least ten (10) years old and originally designed for industrial or commercial occupancy.

1. "Residential floor area" shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms, and hallways serving such areas.
2. "Nonresidential floor area" shall be considered ~~include~~ floor areas designated for working.

E. Table 17.101E.08 below prescribes special regulations for Live/Work 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 that zone.

Table 17.101E.08 Special Regulations for Live/Work Units in D-CE-3 and D-CE-4 Zones

Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
Activities Allowed	Same permitted and conditionally permitted activities as described	Same permitted and conditionally permitted activities as described	

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Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
	in Section 17.101E.030 and any that would qualify as a home occupation in a <u>Residential Facility</u> (see <u>Chapter 17.112</u>) Section 17.101E.100	in Section 17.101E.030 and any that would qualify as a home occupation in a <u>Residential Facility</u> (see <u>Chapter 17.112</u>) Section 17.101E.100	
Maximum Residential Density	Same as Table 17.101E.03	Same as Table 17.101E.03	1
Minimum Usable Open Space See Design Guidelines Section 3.10.	Same as Table 17.101E.03	Same as Table 17.101E.03	
Parking and Loading Requirements 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	1	1	2
Required Bicycle Parking with Private Garage			
Short-term space per 20 Live/Work units	1	1	3
Minimum short-term spaces	2	2	3
Required Bicycle Parking without Private Garage			
Short-term space per 20 Live/Work units and long-term space per 4 units	1	1	3
Minimum short-term spaces and minimum long-term spaces	2	2	3
Required Loading See also "Design Guidelines for the Central Estuary" Section 3.6			
>50,000 sf.	No berth	No berth	4
50,000 - 149,999 sf.	1 berth	1 berth	4
150,000 - 299,000 sf.	2 berths	2 berths	4
Each additional	1 more berth	1 more berth	4

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Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
300,000 sf.			

Additional Regulations for Table 17.101E.08:

1. Live/Work units are Residential Facilities and shall be counted towards the residential density, not the nonresidential floor area ratio.

F. Additional Regulations for Live/Work units.

building codes appropriate for a Live/Work facility.

3. For any Live/Work unit in a D-CE-3 and D-CE-4 Zone, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an acknowledgment that the property is in a facility that allows Commercial and/or Light Industrial Activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

17.101E.090 Special Regulations for Mini-lot and Planned Unit Developments.

- A. **Mini-lot Developments.** In Mini-Lot Developments, 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.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development 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 requirement for design review shall not apply to 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.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone.

- ~~A. Purpose and Applicability. The special home occupation regulations described below shall apply in the D-CE-3 Zone only. The purpose of these regulations is to prescribe the expanded conditions under which nonresidential activities may be conducted in the D-CE-3 Zone when incidental to Residential Activities. These special home occupation regulations are intended to incentivize the preservation of historic homes in the Jingtown/Elmwood neighborhood, and to encourage more home-based artisan crafts in the district. The historic character-defining features of the structures must be maintained. For home occupation regulations in all other zones, see Planning Code Chapter 17.112.~~

~~B. Definitions.~~

- ~~1. A "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and located on the lot as the living unit, or, for Limited Agricultural Activities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of this Chapter.~~
- ~~2. For the purpose of this Chapter, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year 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.~~
- ~~3. For the purpose of this Chapter only, a "bee keeping activity" is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.~~

~~C. Exclusions. The following activities shall not in any case qualify as home occupations:~~

- ~~1. Introductory service;~~
- ~~2. Teaching of organized classes totaling more than six (6) persons at a time;~~
- ~~3. Accommodation of more than three (3) paying guests within a One-Family Dwelling Residential Facility, or of any number of paying guests within a living unit in any other type of Residential Facility;~~
- ~~4. Operation of a beauty parlor with more than two (2) hairdrying machines;~~
- ~~5. Maintenance of a construction contractor's storage or construction yard or garage;~~
- ~~6. Care, treatment, or boarding of animals for profit;~~
- ~~7. Agricultural Activities that include the use of mechanized farm equipment.~~
- ~~8. Bee keeping activities that include more than three (3) hives.~~

~~D. Requirements.~~

- ~~1. Location. A home occupation shall only be performed in the following locations:

 - ~~a. Within a living unit by a resident thereof;~~
 - ~~b. Within an attached or detached garage or accessory structure reserved for a living unit; however, existing parking must be maintained or replacement parking provided.~~
 - ~~c. For Limited Agricultural Activities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.~~~~

- ~~2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.~~
- ~~3. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this chapter, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one (1) nonresident employee is at the site at any one (1) time. Only one (1) nonresident employee is permitted per residential unit, even if more than one (1) home occupation business operates at the subject unit.~~
- ~~4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.~~
- ~~5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one (1) Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.~~
- ~~6. Retention of Historic Character-Defining Features. The historic character-defining features of the building shall be maintained in all home occupations.~~
- ~~7. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.~~
- ~~8. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.~~
- ~~9. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.~~
- ~~10. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.~~
- ~~E. Application. For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City's Basic Application for Development Review for the floor plan and site plan requirements; See also the City's Supplemental Questionnaire for Proposed Activities/Uses.~~
- ~~F. Required approval. No home occupation in the D-CE-3 Zone shall be permitted unless the Director of City Planning certifies that it will conform to the special home occupation~~

~~regulations contained in this Section. The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132~~

~~(Ord. No. 13168, § 5(Exh. A), 6-18-2013)~~

17.101E.110 Special Parking Regulations for the D-CE Zones.

For the purposes of this Chapter only, the following regulations apply to the Boat and Marine-Related Sales, Rental, Repair and Servicing Activity. Auto parking regulations for other activity types are contained in Chapter 17.116 Off-Street Parking and Loading Requirements. Bicycle parking regulations for other activity types are contained in Chapter 17.117 Bicycle Parking Requirements.

- A. Off-Street Parking—Commercial Activities. The following amounts of off-street parking are required for the specified Commercial Activity when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of Planning Code Chapter 17.116 Off-Street Parking and Loading Requirements.

Commercial Activity Type	Zone	Minimum Total Size for Which Parking Required	Requirement
Boat and Marine-Related Sales, Rental, Repair and Servicing	D-CE-1 and D-CE-6	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

- B. Required Bicycle Parking—Commercial Activities. Subject to the calculation rules set forth in Chapter 17.117 Bicycle Parking Requirements Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activity and shall be developed and maintained pursuant to the provisions of Article II of Chapter 17.117

Commercial Activity Type	Long-Term Bicycle Parking Requirement	Short-Term Bicycle Parking Requirement
Boat and Marine-Related Sales, Rental, Repair and Servicing	One (1) space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	One (1) space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.

17.101E.112 Other zoning provisions.

The following table contains referrals to other regulations that may apply:

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the D-CE Zones.
- B. Parking and Loading. Off-street parking and loading shall be provided as prescribed in this Chapter and in the off-street parking and loading requirements in Chapter 17.116.

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- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-CE Zones.
- I. Electroplating Activities. Special regulations applying to Electroplating Aactivities in Section 17.102.340, shall apply in the D-CE Zones.

Chapter 17.101F D-GI GATEWAY INDUSTRIAL DISTRICT ZONE REGULATIONS ^[40]

Sections:

- 17.101F.010 Title, intent, and description.
- 17.101F.020 Required master plan conformance.
- 17.101F.030 Permitted and conditionally permitted activities.
- 17.101F.040 Permitted and conditionally permitted facilities.
- 17.101F.050 Property development standards.
- 17.101F.060 Design standards.
- 17.101F.070 Demolition.
- 17.101F.080 Other zoning provisions.

17.101F.010 Title, intent, and description.

The provisions of this Chapter shall be known as the D-GI Gateway Industrial District (D-GI) Zone Regulations. The intent of the Gateway Industrial District (D-GI) Zone is to facilitate implementation of the Oakland Army Base Reuse Plan.

17.101F.080 Other zoning provisions.

Except as expressly provided, all other provisions of the Oakland Municipal Code shall apply in the D-GI Zone, including but not limited to, the provisions listed below.

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the D-GI Zone.
- B. Buffering Regulations. The requirements of the buffering regulations in Chapter 17.110 shall apply in the D-GI Zone.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- E. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking requirements in Chapter 17.117.
- F. Recycling Space Allocation Requirements. The recycling space allocation requirements in Chapter 17.118 shall apply in the D-GI Zone.
- G. Performance Standards. The performance standards in Chapter 17.120 shall apply in the D-GI Zone.
- H. Landscaping and Screening Standards. The landscaping and screening standards in Chapter 17.124 shall apply in the D-GI Zone.

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

- 17.101G.010 Title, purpose, and applicability.
- 17.101G.020 Required design review process and pre-application review.
- 17.101G.030 Permitted and conditionally permitted activities.
- 17.101G.040 Permitted and conditionally permitted facilities.
- 17.101G.050 Property development standards.
- 17.101G.055 Application process for allowed Height Area Exceptions.
- 17.101G.060 Usable open space standards.
- 17.101G.070 Special regulations for large-scale developments.
- 17.101G.080 Other zoning provisions.

17.101G.010 Title, purpose, and applicability.

- A. Intent. The provisions of this Chapter shall be known as the D-LM Lake Merritt Station Area District Zones Regulations. The intent of the Lake Merritt Station Area District (D-LM) Zones regulations is to implement the Lake Merritt Station Area Plan. Development in this zoning district shall be consistent with the Lake Merritt Station Area Plan, of a high quality design, and include active ground floor uses where appropriate and feasible. The objectives of the D-LM Lake Merritt Station Area District Zones Plan are to:
 - 1. Create a more active and vibrant Lake Merritt Station Area District to serve and attract residents, businesses, students, and visitors;
 - 2. Increase activity and vibrancy in the area by encouraging vital retail nodes that provide services, restaurants, and shopping opportunities;
 - 34. Improve connections between the Lake Merritt BART Station Area District and major destinations outside the Station Aarea District;
 - 45. Improve safety and pedestrian-orientation;
 - 56. Accommodate the future population, including families;
 - 6. Increase the number of jobs and improve the local economy;
 - 7. Identify additional recreation and open space opportunities and improve existing resources; and
 - 8. Encourage and enhance a pedestrian-oriented streetscape.
- B. **Description of zones.** This Chapter establishes land use regulations for the following five (5) zones:
 - 1. **D-LM-1 Lake Merritt Station Area District Mixed Residential - 1 Zone, -4.** The intent of the D-LM-1 Zzone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible Commercial Activities.
 - 2. **D-LM-2 Lake Merritt Station Area District Pedestrian Commercial - 2 Zone, -2.** The intent of the D-LM-2 Zzone is to create, maintain, and enhance areas of the Lake

Merritt Station Area Plan District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of Office and Residential Activities.

3. **D-LM-3 Lake Merritt Station Area District General Commercial - 3 Zone, -3-** The intent of the D-LM-3 Zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for a wide range of ground-floor Commercial Activities. Upper-story spaces are intended to be available for a wide range of Residential, Office, or other Commercial Activities.
 4. **D-LM-4 Lake Merritt Station Area District Mixed Commercial - 4 Zone, -4-** The intent of the D-LM-4 Zone is to designate areas of the Lake Merritt Station Area Plan District appropriate for a wide range of Residential, Commercial, and compatible Light Industrial Activities.
 5. **D-LM-5 Lake Merritt Station Area District Institutional - 5 Zone, -5-** The intent of the D-LM-5 Zone is to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses.
- C. **Definition of corridor types.** For the purposes of this Chapter only, the following definitions shall be utilized to apply special land use regulations and development standards to properties fronting the following two types of street corridors:
1. **Commercial Corridor.** The intent of regulations related to properties fronting "Commercial Corridors" is to maintain and promote an existing pattern of continuous ground floor Commercial Activities and Facilities along the subject corridor. The following streets are designated as Commercial Corridors: 14th Street (between Franklin and Oak Streets), 9th Street (between Broadway and Harrison Street, and between Madison and Fallon Streets), 8th Street (between Broadway and Harrison Street, and between Madison and Fallon Streets), Oak Street (between 8th and 9th Streets), Harrison Street (between 7th and 11th Streets), Webster Street (between 7th and 11th Streets), Franklin Street (between 7th and 11th Streets), and Broadway (between 7th and 10th Streets).
 2. **Transitional Commercial Corridor.** The intent of regulations related to properties fronting "Transitional Commercial Corridors" is to expand the amount of ground floor Commercial Activities and Facilities along the subject corridor. The following streets are designated as Transitional Commercial Corridors: International Boulevard (between 1st and 4th Avenues), East 12th Street (between 1st and 4th Avenues), 8th Street (between Harrison and Madison Streets), 9th Street (between Harrison and Madison Streets), 1st Avenue (between East 12th Street and International Boulevard), Oak Street (between 5th and 8th Streets, and between 9th and 14th Streets), Harrison Street (between 11th and 14th Streets), Webster Street (between 11th and 14th Streets, and between 5th and 7th Streets), Franklin Street (between 11th and 14th Streets, and between 5th and 7th Streets), and Broadway (between 5th and 7th Streets).

17.101G.020 Required design review process and pre-application review.

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

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- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the "Design Guidelines for the Lake Merritt Station Area Plan" is required for any proposal in the D-LM Zones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the "Design Guidelines for the Lake Merritt Station Area Plan", the design objectives in the "Design Guidelines for the Lake Merritt Station Area Plan" shall prevail.
- D. Pre-Application Review— Discretionary Approvals. Prior to any Planning application involving an Opportunity Site identified in the Lake Merritt Station Area Plan which requires one or more discretionary approvals (including, but not limited to, regular design review, conditional use permit, variance, and/or subdivision), the applicant, or his or her representative, shall submit for a pre-application review of the proposal by a representative of the City Planning Department. During the pre-application review, City staff will provide information about applicable Lake Merritt Station Area Plan objectives and design guidelines.

17.101G.030 Permitted and conditionally permitted activities.

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the D-LM Zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101G.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	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P	
Residential Care	P(L1)(L2)	P(L1)(L2)	P(L1)(L2)	P(L1)(L2)	P(L2)	17.103.010
Service-Enriched	PC(L1)(L2)	PC(L1)(L2)	PC(L1)(L2)	PC(L1)(L2)	PC(L2)	17.103.010
Permanent Supportive Housing						
Transitional Housing	PC(L1)(L2)	PC(L1)(L2)	PC(L1)(L2)	PC(L1)(L2)	PC(L2)	17.103.010
Emergency Shelter	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L2)	17.103.010
Semi-Transient	C(L1)	C(L1)	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	P	17.10.125
Civic Activities						

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Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P	
Recreational Assembly	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P	
Community Education	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P	
Nonassembly Cultural	P	P	P	P	P	
Administrative	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P	
Health Care	C	C	C	C	C	
Special Health Care	—	C(L6)(L8)	C(L6)(L8)	C(L6)(L8)	C(L6)(L8)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L4)(L7)	P(L4)	P	P(L4)	P	
Full Service Restaurants	P	P	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	P	P	
Fast-Food Restaurant	—	C	C	C	C	17.103.030 and 8.09
Convenience Market	C(L7)	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	C	C	
Medical Service	P(L4)(L5)	P(L4)(L5)	P(L5)	P(L5)	P	
General Retail Sales	P	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	P(L4)(L5)(L9)	P(L4)(L5)(L9)	P(L5)(L9)	P(L5)(L9)	P(L9)	

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Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Consultative and Financial Service	P(L4)(L5)	P(L4)(L5)	P(L5)	P(L5)	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L5)(L7)	P(L5)	P(L5)	P(L5)	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	C	
Group Assembly	C(L11)	P(L4)(L5)(L11)	P(L11)	P(L4)(L5)(L11)	P(L11)	
Personal Instruction and Improvement Services	P	P	P	P	P	
Administrative	P(L4)(L5)	P(L4)(L5)	P(L5)	P(L5)	P	
Business, Communication, and Media Services	P(L4)(L5)(L7)	P(L4)(L5)	P(L5)	P(L5)	P	
Broadcasting and Recording Services	P(L4)(L5)(L7)	P(L4)(L5)	P(L5)	P(L5)	P	
Commercial Activities						
Research Service	P(L4)(L5)	P(L4)(L5)	P(L5)	P(L5)	P	
General Wholesale Sales	—	—	—	C	—	
Transient Habitation	C	C	C	C	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	C(L13)	—	

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Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Taxi and Light Fleet-Based Services	—	—	—	C(L13)	—	
Automotive Fee Parking	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Animal Boarding	—	—	—	—	—	
Animal Care	—	C	C	C	C	
Undertaking Service	—	—	—	C	—	
Industrial Activities						
Custom Manufacturing	—	C(L1)(L13)	—	C(L13)	—	
Light Manufacturing	—	—	—	—C(L13)	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	C(L13)	C(L13)	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution-Related						
A. General Warehousing, Storage and Distribution	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/ Junk Yards	—	—	—	—	—	
Regional Freight and Transportation-Related						
All Regional Freight and Transportation-Related Activities	—	—	—	—	—	
Trucking and Truck-Related						

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Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
All Trucking and Truck-Related Activities	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	—	
Agriculture and Extractive Activities						
Limited Agriculture	P(L15)	P(L15)	P(L15)	P(L15)	P(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	—	—	—	—	—	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	17.102.110

Limitations:

L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of an existing principal building fronting a Commercial Corridor or within thirty (30) feet of the front lot line on the ground floor of a new principal building fronting a Transitional Commercial Corridor, as defined in Section 17.101G.010.C, with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building. See Section 17.101G.040 for limitations on the construction of new ground floor Residential Facilities.

L2. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No

Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~L2. Residential Care is permitted outright 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, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.~~

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 on the ground floor 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).

~~L4. Any single establishment may only exceed twelve thousand (12,000) square feet in floor area upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).~~

L5. If located on a Commercial Corridor, as defined in Section 17.101G.010.C with the exception of 8th, 9th, Franklin, Webster and Harrison Streets between 7th, 10th, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet of the front lot line, from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). If located on 8th, 9th, Franklin, Webster and Harrison Streets between 7th, 10th, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet of the front lot line, 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 front lot line of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in Note L5, above.

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

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

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

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

17.101G.040 Permitted and conditionally permitted facilities.

Table 17.101G.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-LM, D-LM-1, D-LM-2, D-LM-3, D-LM-4, and D-LM-5 Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited

Table 17.101G.02: Permitted and Conditionally Permitted Facilities

Facilities Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Residential Facilities						
One-Family Dwellings	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	P(L5)	P(L5)	P(L5)	P(L5)	P(L5)	17.103.080
Two-Family Dwelling	P	P(L5)	P(L5)	P(L5)	P(L5)	

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Facilities Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	P	P	P	P	P	
Mobile Home	—	—	—	—	—	
Nonresidential Facilities						
Enclosed Nonresidential	P(L3)	P(L3)	P(L3)	P(L3)	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In Nonresidential	—	—	—	C	C	
Drive-Through Nonresidential	—	—	—	C(L2)	C(L2)	17.103.100
Telecommunications Facilities						
Micro Telecommunications	C	P	P	P	P	17.128
Mini Telecommunications	C	P	P	P	P	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

Limitations:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. ~~One Family Dwellings.~~

L3. New construction of a Nonresidential Facility shall be required to incorporate ground floor commercial space that conforms to the design standards in Table 17.101G.03 if:

- a. The facility fronts onto a: (1) "Transitional Commercial Corridor", as identified in Section 17.101G.010.C, is more than thirty-five (35) feet wide, and is either: within a Lake Merritt Station Area Plan Opportunity Site or on a corner lot; or
- b. The facility fronts onto a: (2) "Commercial Corridor", as identified in Section 17.101G.010.C, and is more than thirty-five (35) feet wide.

L4. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)

17.101G.050 Property development standards.

A. Zone Specific Standards. Table 17.58.03 below prescribes development standards specific to individual zones. The number designations 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 that zone.

Table 17.101G.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Minimum Lot Dimensions						
Width	25 ft.	25 ft.	50 ft.	50 ft.	50 ft.	1
Frontage	25 ft.	25 ft.	50 ft.	50 ft.	50 ft.	1
Lot area	4,000 sf.	4,000 sf.	7,500 sf.	7,500 sf.	7,500 sf.	1
Minimum/Maximum Setbacks						
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front and street side for the first story	N/A None	5 ft.	5 ft.	10 ft.	N/A None	3
Maximum front and street side for the second and third stories or thirty-five (35) feet, whatever is lower	N/A None	5 ft.	5 ft.	N/A None	N/A None	3
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Rear	10 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Average minimum setback from the Lake Merritt Estuary Channel	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	4
Design Regulations						

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Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Ground floor commercial facade transparency	55%	65%	55%	55%	55%	5
Minimum height of the ground floor <u>Nonresidential Facilities</u>	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	6
Minimum width of storefronts	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	7
Minimum separation between the grade and ground floor living space	2.5 ft.	N/A Not Applicable	N/A Not Applicable	2.5 ft.	N/A Not Applicable	8

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty percent (50%) or more of the frontage on the same block and side of the street is in a Residential Z zone.
5. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. On all other street facing facades, the requirement is one-half (½) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.
6. This height is required for all new principal buildings and is measured from the sidewalk grade to the second story floor.

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.

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

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Maximum Height					

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Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
<u>Building Base</u> <u>(Not Applicable to Buildings 85 Feet or Less in Height)</u>	<u>Not applicable</u> 45 ft	<u>Not applicable</u> 45 ft	<u>45 ft. base;</u> <u>85 ft. base upon granting of CUP and additional findings in Note 6 2.a, b, c</u>	<u>45 ft. base;</u> <u>85 ft. base upon granting of CUP and additional findings in Note 6 2.a, b, c</u>	1, 6
<u>Maximum Height</u> <u>Total Tower</u>	45 ft. —	85 ft.	175 ft.	275 ft.	2
<u>Height Area</u> Exceptions Allowed With Conditional Use Permit (CUP)	Not applicable	<u>LM-175 standards allowed for up to 5 bldgs. total upon granting of CUP and additional findings in Note 2 below (applies to 2 buildings on east side of Lake Merritt Channel and 3 on west side of Lake Merritt Channel); and — LM-175 standards apply;</u> <u>LM-275 standards allowed for up to 3 bldgs. total upon granting of CUP and additional findings in Note 2 below (applies to 1 building on east side of Lake Merritt Channel and 2 on west side of Lake Merritt Channel) — LM-275 standards apply</u>	<u>LM-275 standards allowed for up to 3 bldgs. total upon granting of CUP and additional findings in Note 2 below — LM-275 standards apply</u>	Not applicable	2

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Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Minimum Height					
New principal buildings	25 ft.	35 ft.	35 ft.	35 ft.	3
Maximum Residential Density (Square Feet of Lot Area Required Per Unit)					
Dwelling unit	450	225	110	110	2, 4, 7
Rooming unit	225	110	55	55	2, 4, 7
Maximum Nonresidential Intensity (Floor Area Ratio)					
Maximum Nonresidential Floor Area Ratio (FAR)	2.5	5	8	12	2, 4, 7
Tower Regulations (Not Applicable to Buildings 85 Feet Or Less In Height)					
Setback of Tower from Building Base	Not applicable	<u>Not applicable</u> 0 ft. for buildings not exceeding 85 ft in height; 10 ft. along at least 50% of the perimeter length of base for buildings exceeding 85 ft in height	10-20 ft., along at least 50% of the perimeter length of the building base; 10 ft. along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2-a, b, c	10-20 ft., along at least 50% of the perimeter length of the building base; 10 ft. along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2-a, b, c	See additional CUP findings in Note 2 below
Setback of Tower from building base	Not applicable	0 ft. for buildings not exceeding 85 ft in height 10 ft. along at least 50% of the perimeter length of base for buildings exceeding 85 ft in height	20 ft. along at least 50% of the perimeter length of base 10 ft. along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2 a, b, c	20 ft. along at least 50% of the perimeter length of base 10 ft. along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2 a, b, c	See additional CUP findings in Note 2 below

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Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Maximum average per story lot coverage above building base	Not applicable	Not applicable to buildings 85 ft or less in height	65% of site area or <u>15,000 10,000</u> sf., whichever is greater	75% of site area or <u>15,000 10,000</u> sf., whichever is greater	2, 5
Maximum tower elevation length	Not applicable	Not applicable to buildings 85 ft or less in height	150 ft.	150 ft.	2, 5
Maximum diagonal length	Not applicable	Not applicable to buildings 85 ft or less in height	180 ft.	180 ft.	2, 5
Minimum distance between towers on the same lot	Not applicable	Not applicable to buildings 85 ft or less in height	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 for civic buildings.

2. Exceptions to Height ~~/Bulk/Intensity~~ Area Standards. In Height ~~/Bulk/Intensity~~ Areas LM-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 application for such as described in Section 17.101G.055, and 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; and

d. The following ~~application process is followed:~~

i. Applications for any of the height/bulk/intensity exceptions shall be reviewed on a first come, first served basis.

ii. A project shall secure a position as one of the specified height/bulk/intensity exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.

~~iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.~~

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

4. For mixed use projects in the Lake Merritt Station Area Plan District (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.

6. Exceptions to Standards for Building Base. In Height/Bulk/Intensity Areas LM-175 and LM-275, buildings may be allowed to increase the allowed height of the building base, as prescribed above in Table 17.101G.04, 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.

7. The number of living units and/or amount of Floor-Area Ratio (FAR) permitted by Table 17.101G.04 may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

17.101G.055 Application process for allowed Height Area Exceptions.

A. The following application process shall be followed for any of the allowed LM-85 and LM-175 Height Area exceptions:

1. Applications for any of the LM-85 and LM-175 Height Area exceptions shall be reviewed on a first come, first served basis.

2. 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.

3. 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.

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.
- 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, usable open space shall be provided for such facilities at the following rates:

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

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

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

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

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

Type of Usable Open Space	Minimum Dimension or Size	Notes
Community Room	250 square feet	

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.
- 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 requiring regulatory concessions for certain types of affordable and senior housing projects may apply, as described in Chapter 17.107.

17.101G.070 Special regulations for large-scale developments.

No development which involves more than two hundred thousand (200,000) ~~one hundred thousand (100,000)~~ square feet of a 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.

17.101G.080 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the D-LM Zzones.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-LM Zzones.

Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

Sections:

- 17.101H.010 Title, intent, and description.
- 17.101H.020 Required design review.
- 17.101H.030 Permitted and conditionally permitted activities.
- 17.101H.040 Permitted and conditionally permitted facilities.
- 17.101H.050 Property development standards.
- 17.101H.060 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one (1) acre or more land area.
- 17.101H.070 Use permit criteria in the D-CO-1 Zone.
- 17.101H.080 Special regulations for large-scale developments.
- 17.101H.090 Special regulations for Mini-lot and Planned Unit Developments.
- 17.101H.095 Compliance with Oakland Airport Land Use Compatibility Plan
- 17.101H.100 Other zoning provisions.

17.101H.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the D-CO Coliseum Area District Zones Regulations. The intent of the Coliseum Area District (D-CO) Zones is to:
- B. Description of Zones. This Chapter establishes land use regulations for the following six (6) zones:
 - 1. **D-CO-1 Coliseum Area Transit-Oriented Development District - 1 Zone -4 (Coliseum BART/ San Leandro Street).** The D-CO-1 Zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments, to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of Residential, Civic, Commercial, and Light Industrial Activities.
 - 2. **D-CO-2 Coliseum Area Commercial District - 2 Zone -2 (Coliseum District).** The D-CO-2 Zone is intended to create, maintain and enhance areas that allow a broad mixture of residential, retail, commercial, office, and light industrial uses, and serve as region-drawing centers of sports, entertainment, and business activities.
 - 3. **D-CO-3 Coliseum Area Commercial District - 3 Zone -3 (Oakport South / Hegenberger Road).** The D-CO-3 Zone is intended to create, maintain and enhance areas suitable for a wide variety of retail, commercial, and industrial operations along the Oakport Street and Hegenberger Road corridors, and in region-drawing centers of Commercial, and Light Industrial Activities.
 - 4. **D-CO-4 Coliseum Area Commercial District - 4 Zone -4 (Edgewater North / Waterfront).** The D-CO-4 Zone is intended to create, maintain and enhance a mix of

activities on or near the Northwest Edgewater Drive waterfront. This zone allows for the consideration of housing, if shown to be compatible in an area with a strong presence of Commercial and Industrial Aactivities.

5. **D-CO-5 Coliseum Area Commercial Industrial Mix District - 5 Zone -5 (Edgewater South / Pardee Drive).** The D-CO-5 Zone is intended to create, preserve, and enhance areas near Pardee Drive and within the southern portion of the Airport Business Park that are appropriate for a wide variety of Office, Commercial, Industrial, and Logistics Aactivities.
6. **D-CO-6 Coliseum Area Commercial Industrial Mix District - 6 Zone -6 (Oakport North).** The D-CO-6 Zone is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher intensity commercial and light industrial land uses and development types.

17.101H.020 Required design review.

- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the Coliseum Area Specific Plan is required for any proposal in the D-CO Zones subject to the design review procedure in Chapter 17.136.

17.101H.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.10.040.

Table 17.101H.01: Permitted and Conditionally Permitted Activities

Activities	Zones						Additional Regulation
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	s
Residential Activities							
Permanent	P(L1)	P(L1)	—	C(L1)(L4)	—	—	
Residential Care	<u>P</u> C(L1)	<u>P</u> C(L1)	—	C(L1)(<u>L4</u>)	—	—	17.103.01 0

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Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Service-Enriched Permanent Supportive Housing	<u>PC(L1)</u>	<u>PC(L1)</u>	—	<u>C(L1)(L4)</u>	—	—	17.103.010
Transitional Housing	<u>PC(L1)</u>	<u>PC(L1)</u>	—	<u>C(L1)(L4)</u>	—	—	17.103.010
Emergency Shelter	—	—	—	—	—	—	17.103.010
Semi-Transient	C	C	—	—	—	—	17.103.010
Bed and Breakfast	—	—	—	—	—	—	17.10.125
Civic Activities							
Essential Service	P	P	P	P	P	P	
Limited Child-Care Activities	P	P	C	<u>C(L6)</u>	—	—	
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	

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Activities	Zones						Additional Regulation s
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Health Care	C	C	C	C	—	—	
Special Health Care	—	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C(L5)	C	C	C	
Commercial Activities							
General Food Sales	P	P	P	P(L2)	P(L2)	P(L2)	
Full Service Restaurants	P	P	P	P(L2)	P(L2)	P(L2)	
Limited Service Restaurant and Cafe	P	P	P	P(L2)	P(L2)	P(L2)	
Fast-Food Restaurant	C	C	C	—	—	—	17.103.030 and 8.09
Convenience Market	C	C	C	C	—	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C	—	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	P	C(L6)	—	—	—	
Medical Service	P	P	C	C	C	C	

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Activities	Zones						Additional Regulation s
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
General Retail Sales	P	P	P	P	C(L10)	P	
Large-Scale Combined Retail and Grocery Sales	—	C	—	—	—	—	
Consumer Service	P(L8)	P(L8)	P(L8)	P(L8)	C	C	17.102.170 and 17.102.450
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	

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Activities	Zones						Additional Regulation s
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
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 (Hotels)	C	C	C	C	—	C	17.103.050
Building Material Sales	—	—	—	—	C	—	
Automobile and Other Light Vehicle Sales and Rental	C	C	<u>PC(L18)</u>	—	—	C	
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	—	—	—	

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Activities	Zones						Additional Regulation s
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Undertaking Service	—	—	—	—	—	—	
Industrial Activities							
Custom Manufacturing	P	P	P	P	P	P	17.120
Light Manufacturing	C	P	P	P(L3)	P	P	17.120
General Manufacturing	—	—		—	C(L11)(L 13)	—	
Heavy/High Impact	—	—	—	—	—	—	
Research and Development	P	P	P	P	P	P	
Construction Operations	—	—	—	—	C	—	
Warehousing, Storage, and Distribution-Related:							
A. General Warehousing, Storage and Distribution	—	P(L3)(L9)	P(L9)	P(L3)(L9)	P(L9)	P(L9)	
B. General Outdoor Storage	—	—	—	—	C(L11)(L 13)	C(L13)	
C. Self- or Mini- Storage	—	—	—	—	C(L11)	—	
D. Container	—	—	—	—	—	—	

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Activities	Zones						Additional Regulation s
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Storage							
E. Salvage/Junk Yards	—	—	—	—	—	—	
Regional Freight Transportation-Related:							
A. Seaport	—	—	—	—	—	—	
B. Rail Yard	—	—	—	—	—	—	
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	C(L7)	—	
B. Truck Yard	—	—	—	—	C(L7)	—	
C. Truck Weigh Stations	—	—	—	—	C(L7)	—	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	C(L7)	—	
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	C(L7)	—	
Recycling and Waste-Related:							
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	

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Activities	Zones						Additional Regulation s
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
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	—	—	—	—	—	—	
Agriculture and Extractive Activities							
Limited Agriculture	P(L16)	P(L16)	P(L16)	P(L16)	P(L16)	P(L16)	
Extensive Agriculture	C(L17)	C(L17)	C(L17)	C(L17)	C(L17)	C(L17)	
Plant Nursery	—	C	C	C	C(L12)	C(L12)	
Mining and Quarrying	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	17.116.175

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Activities	Zones						Additional Regulation s
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

Limitations on Table 17.101H.01:

L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care Facility shall be located closer than three hundred (300) feet from any other Residential Care Facility, or Residential Care or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding Residential Care. Supportive and Transitional Housing are permitted as a Residential Activity and only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

~~**L1.** No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L13. Any Outdoor Storage activities to be located within 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 Zzone 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:

1. 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
2. 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 Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

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L18. These activities are permitted outright in the D-CO-3 Zone if located on a parcel adjacent to the Oakport Street right-of-way, but prohibited within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way; conditionally permitted if located elsewhere in the D-CO-3 Zone (see Chapter 17.134 for the CUP procedure).

17.101H.040 Permitted and conditionally permitted facilities.

Table 17.101H.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-CO Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.101H.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Residential Facilities							
One-Family Dwelling	—	—	—	—	—	—	
One-Family Dwelling with Secondary Unit	—	—	—	—	—	—	17.103.080
Two-Family Dwelling	P	P	—	C	—	—	
Multifamily Dwelling	P	P	—	C	—	—	
Rooming House	—	—	—	—	—	—	
Mobile Home	—	—	—	—	—	—	
Nonresidential Facilities							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	C(L1)	P	P	C(L1)	P	P	

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Sidewalk Cafe	P	P	P	P	C	C	17.103.090
Drive-In	—	C	C	—	—	—	
Drive-Through	—	C(L2)	C(L2)	—	—	—	17.103.100
Telecommunications Facilities							
Micro Telecommunications	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	17.128
Mini Telecommunications	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	17.128
Macro Telecommunications	C	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	—	17.128
Sign Facilities							
Residential Signs	P	P	—	P	—	—	17.104
Special Signs	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	—	17.104

Limitations on Table 17.101H.02:

L1. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events. are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

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L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than three hundred (300) feet of a lot line adjacent to the Hegenberger Road or Oakport Street right-of-way, or five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L3. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones.

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 that zone.

Table 17.101H.03 Property Development Standards

Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Minimum Lot Dimensions							
Lot Width mean	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	5,000 sf.	5,000 sf.	5,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks							
Minimum front	0 ft.	0 ft.	0/10 ft.	0 ft.	10 ft.	0/10 ft.	2
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2
Minimum street side of a corner lot	0 ft.	0 ft.	0 ft.	0 ft.	10 ft.	10 ft.	2
Rear (Residential)	10 ft.	10 ft.	N/A	10 ft.	N/A	N/A	2, 3

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Facilities)							
Rear (Nonresidential Facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	3
Height Regulations							
Maximum height allowed by right	159 ft.	159 ft.	159 ft.	85 ft.	85 ft.	85 ft.	4, 5, 6 <u>In D-CO-1, D-CO-2, and D-CO-3, exceptions to Additional height above the maximum height by right of 159 feet may be allowed without a variance, in D-CO-1, 2, and 3, pursuant to the a Additional Regulations 4 and 5 below in this Table</u>
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls.						
Maximum fence height adjacent to Open Space zones	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular Units	130	130	N/A	260	N/A	N/A	

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Rooming Units	65	65	N/A	130	N/A	N/A	
Maximum Nonresidential Intensity (Floor Area Ratio)							
Maximum Nonresidential Floor Area Ratio (FAR)	8.0	8.0	6.0	5.0	4.0	4.0	
Minimum Usable Open Space							
Usable Open Space per Regular Dwelling Unit	75 sf.	75 sf.	N/A	100 sf.	N/A	N/A	
Usable open space per Rooming Unit	38 sf.	38 sf.	N/A	50 sf.	N/A	N/A	
Minimum Parking and Loading Requirements	See Chapter 17.116 for loading and automobile parking; and Chapter 17.117 for bicycle parking						
Minimum Required Parking	See Chapter 17.116 for automobile parking and loading regulations; Section 17.116.110 for additional parking regulations for the D-CO Zones; and Chapter 17.117 for bicycle parking regulations.						
Courtyard Regulations	See Sec. 17.108.120	See Sec. 17.108.120	N/A	See Sec. 17.108.120	N/A	N/A	
Landscaping Regulations							
Site landscaping (% of entire lot area)	See Chs.17.110 and 17.124	See Chs.17.110 and 17.124	5%	See Chs.17.110 and 17.124	5%	5%	7, 8, 9
Parking lot landscaping (% of parking)	See Chs.17.110 and 17.124	See Chs.17.110 and 17.124	10%	See Chs.17.110 and 17.124	10%	10%	7, 8

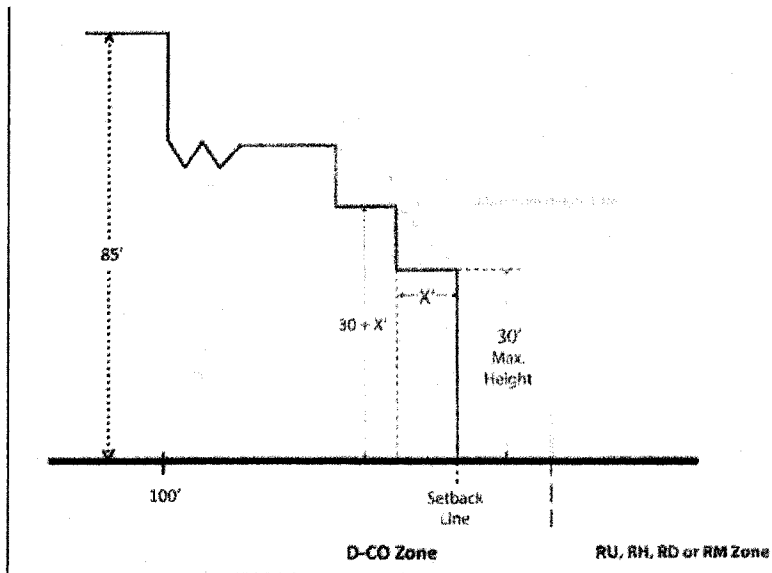
lot area)							
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Additional Regulations for Table 17.101H.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. In the D-CO-3 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 and D-CO-6 Zones, where applicable, shall, except for necessary driveways, walkways, and allowable Signs, be developed as open landscaped areas, including but not limited to, lawn and/or, ground cover, shrubs, trees, and decorative paving materials, subject to the standards for required landscaping and screening in this Chapter and in Chapter 17.124. In the D-CO-1, D-CO-2, and D-CO-4 Zones, See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.
5. Exceptions to Height Standards. In D-CO-1, D-CO-2, and D-CO-3, buildings and structures may only be allowed to exceed the ~~The maximum by-right height of one hundred fifty nine (159) feet above mean sea level, and or otherwise exceed the~~ maximum applicable Federal Aviation Regulations (FAR) Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, ~~may only be exceeded in the following situation:~~
 - 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 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 Zzone. 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 Zzone; this maximum height shall increase one (1) foot for every foot of distance away from this 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 for civic buildings.

Illustration for Table 17.101H.03 [Additional Regulation 6]
*for illustration purposes only



7. All projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, shall comply with the landscape requirements in this Cchapter and in Chapter 17.124. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards.

17.101H.060 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one (1) acre or more land area.

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one (1) acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.101H.070 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a Planned Unit Development (PUD) permit pursuant to Chapters 17.140 and 17.142, and shall be subject to the following special regulations:

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

In the D-CO-1 Zone, a conditional use permit for any activity or facility listed in Sections 17.101H.030, 17.101H.040, and 17.101H.060, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

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

For purposes of this Subsection 17.101H.100(F), "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the general plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three (3) or more streets, at least two (2) streets shall be designated as principal streets.

17.101H.080 Special regulations for large-scale developments.

No development which involves more than two hundred thousand (200,000) ~~one hundred thousand (100,000)~~ square feet of a 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.

17.101H.090 Special regulations for Mini-lot and Planned Unit Developments.

- A. **Mini-lot Developments.** In Mini-Lot Developments, 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.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development 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 requirement for design review shall not apply to developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.101H.095 Compliance with Oakland Airport Land Use Compatibility Plan.

The Oakland International Airport Land Use Compatibility Plan (ALUCP) details the types of development inside the Airport Influence Area (the land west of San Leandro Street) which are to be reviewed by the Alameda County Airport Land Use Commission (ALUC). New development in any D-CO Zzone which meets the definitions of Section 2.6.2 "Land Use Actions Recommended for ALUC review" is to follow the review process in the Airport Land Use Compatibility Plan.

17.101H.100 Other zoning provisions.

The following contains referrals to other regulations that may apply:

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the D-CO Zones.
- B. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-CO Zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the D-CO Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.
- G. Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts in Chapter 17.120 shall apply in the D-CO Zones.

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES
Sections:

17.102.010 Title, purpose, and applicability.

17.102.120 Removal of dirt or other minerals—Residential and S-1, S-2, S-3 and OS Zones.

17.102.140 Private stables and corrals.

17.102.160 Adult Entertainment Aactivities.

17.102.170 Massage Aactivities.

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial Zones.

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

17.102.200 Pedestrian bridges constructed over City streets.

17.102.230 Demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity—Nonresidential Zones.

17.102.240 Microwave and satellite dishes over three (3) feet in diameter located in or near Residential Zones.

17.102.270 An additional kitchen for a single dwelling unit.

17.102.300 Dwelling units with five (5) or more bedrooms.

17.102.340 Electroplating Aactivities in the Industrial Zones.

17.102.350 Tobacco-oriented activities.

17.102.400 Exterior security bars and related devices.

17.102.440 Crematories.

17.102.450 Laundromats.

17.102.010 Title, purpose, and applicability.

The provisions of this Chapter and Chapters 17.104 through 17.108 shall be known as the Regulations Applicable to Certain Aactivities and Facilities. The purpose of these provisions is to set forth certain of the regulations which apply throughout the City or in several zones. These regulations shall apply in the zones and situations specified hereinafter.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 7000)

17.102.120 Removal of dirt or other minerals—Residential and S-1, S-2, S-3 and OS Zones.

In all Residential Zones and in the S-1, S-2, S-3 and OS Zones, no grading or excavation shall involve the removal of any soil, rock, sand, or other material for purposes of sale, fill, building, or other construction usage off the premises, unless a conditional use is granted

pursuant to the conditional use permit procedure in Chapter 17.134. However, excavations in any street, alley, or other public place and excavations for foundations, basements, or cellars for the erection of any buildings for which a building permit has been issued shall be exempt from the above restriction.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12078 § 5 (part), 1998; prior planning code § 7013)

17.102.160 Adult Eentertainment Aactivities.

- A. Conditional Use Permit Requirement. Adult Eentertainment Aactivities are not permitted in any zone except upon the granting of a conditional use permit pursuant to the criteria in Subsection B. of this Section (which supersedes the general criteria in Section 17.134.050) and the conditional use procedure in Chapter 17.134.
- B. Conditional Use Permit Criteria. A conditional use permit for an Aadult Eentertainment Aactivity shall only be granted upon a determination that all of the following conditions are present notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:
 - 1. The requested use at the proposed location will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly Residential Care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses.
- C. Location.
 - 1. No Aadult Eentertainment Aactivity shall be located within, nor closer than one thousand (1,000) feet to, the boundary of any Residential Zzone.
 - 2. No Aadult Eentertainment Aactivity shall be closer than three hundred (300) feet to any other Aadult Eentertainment Aactivity except that this restriction shall not apply to any Aadult Eentertainment Aactivity in an establishment devoted exclusively and on a full-time basis to such activity, which establishment was in existence on December 21, 1976 and operating under a valid City regulatory permit, where such a permit is required.
- D. Discontinuance of Nonconforming Activities. See Section 17.114.090.

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial Zzones.

In all Commercial Zzones, no Commercial or Industrial Activity shall be conducted within any building above any story thereof occupied wholly or partly by Residential Activities, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, this requirement shall not apply to Home Occupation Activities approved pursuant to the Home Occupation regulations in Chapter 17.112, or to Nonresidential Aactivities within HBX, CIX, IG, IO, or D-CE Work/Live Facilities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12772 § 1 (part), 2006; prior planning code § 7019)

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

C. Conditions for Conversion.

2. New floor area may be created that is entirely within the existing building envelope; however, in no case shall the height, footprint, wall area, or other aspect of the exterior of the building proposed for conversion be expanded to accommodate Residentially-Oriented Joint Living and Working Quarters, except for dormers not exceeding the existing roof height and occupying no more than ten percent (10%) of the roof area, and incremental appurtenances such as elevator shafts, skylights, rooftop gardens, or other facilities listed in Section 17.108.130.
3. If a project is located within the S-7 Zone and involves exterior alterations, the design review requirements of that zone shall apply (see Sections 17.84.030 and 17.84.040).
4. In any zone, projects involving exterior alterations shall be subject to the design review procedure in Chapter 17.136.

17.102.230 Demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity—Nonresidential Zones.

- A. Conditional Use Permit Requirement. The demolition of a facility containing, or intended to contain, rooming units, or the conversion of a living unit from its present or last previous use by a Permanent Residential Activity, a Semi-Transient Residential Activity, or a Transient Habitation Commercial Activity to its use by a Nonresidential Activity other than Transient Habitation Commercial is only permitted in a Nonresidential Zone upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. The only exceptions to this requirement are conversions in the HBX Zones, and units in a One-Family or Two-Family Residential Facility. Such permit may be granted only upon determination that the proposed demolition or conversion conforms to the general use permit criteria set forth in the conditional use permit procedure and to at least one of the following additional use permit criteria:
 4. That the conversion will be an integral part of a rehabilitation project involving both Residential and Nonresidential Activities, and that the rehabilitation project would not be economically feasible unless some Nonresidential Activity were permitted within it.
- B. Tenant Assistance. Upon the granting of a conditional use permit for the demolition of a facility containing rooming units or for the conversion of a living unit to a Nonresidential Activity, the actual demolition or conversion cannot take place until the following have occurred:

17.102.240 Microwave and satellite dishes over three (3) feet in diameter located in or near Residential Zones.

The following regulations shall apply to microwave and satellite dishes which are over three (3) feet in diameter, which are located in any Residential Zone or within one hundred fifty (150) feet from the nearest boundary of any Residential Zone, as measured perpendicularly from said boundary at any point:

- B. Distance from Lot Line in Certain Cases. No such facility shall be located within ten (10) feet from any abutting residentially zoned lot, or from any street, alley, or path or private way described in Section 17.106.020 directly across which there is a lot in any

Residential Zzone, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure.

17.102.340 Electroplating Aactivities in the Industrial Zones.

- A. Distance Standards. No Eelectroplating Aactivity shall be located nor expanded within one thousand (1,000) feet from the boundary of any other zone except the ~~CIX-2, IG Zone, M-20, M-30, or M-40 Zones~~, nor from any area designated "Resource Conservation Area" or "Park and Urban Open Space" in the Oakland General Plan.

17.102.350 Tobacco-oriented activities.

- A. Conditional Use Permit Requirement for Tobacco-Oriented Activities. Such uses are permitted only upon the granting of a conditional use permit pursuant to Chapter 17.134 and to the following additional use permit criteria:

- 1. No tobacco-oriented activity shall be located within, nor closer than one thousand (1,000) feet to the boundary of a Residential Zzone, school, public library, park or playground, recreation center or licensed daycare facility.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12205 § 4 (part), 2000)

17.102.440 Crematories.

- A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Crematorium/Extensive Impact Civic Activity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following use permit criteria:

- 1. Any proposed new or expanded crematorium must submit a Health Risk Assessment that shows that there is no significant health risk to the surrounding community.

17.102.450 Laundromats.

The following regulations shall apply in all zones to laundromats:

- A. Conditional Use Permit Required. All new or expanded uses-laundromats shall be required to obtain a Conditional Use Permit as specified in Chapter 17.134.

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:

Article I - Residential Activities

Article II - Civic Activities

Article III - Commercial Activities

Article IV - Industrial Activities

Article V - Agricultural and Extractive Activities

Article VI - Residential Facilities

Article VIII - Nonresidential Facilities

Article IX - Sign Facilities

Article X - Telecommunications Facilities

Article I Residential Activities

17.103.010 Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing, and~~ Emergency Shelter Residential Activities.

17.103.015 Standards Applicable to Emergency Shelters Permitted "By-Right".

17.103.010 Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing, and~~ Emergency Shelter Residential Activities.

- A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing, or~~ Emergency Shelter Residential Activity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:
1. That staffing of the facility is in compliance with any State Licensing Agency requirements;
 2. That if located in a Residential Zzone the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area;
 3. That if located in a Residential Zzone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generated by the surrounding Residential Activities;

4. That if located in a Residential Zone, arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties;
 5. That the facility's program does not generate noise at levels that will adversely affect the livability of the surrounding properties.
- B. ~~Restriction on Overconcentration of Resident Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.~~

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.103.015 Standards applicable to emergency shelters permitted "by-right".

- B. Where permitted by-right, Emergency shelters shall comply with the development standards of the underlying zone and be in accordance with the following additional criteria:
1. **Compliance with required licenses, permits, and approvals.** An emergency shelter shall obtain and maintain in good standing required licenses, permits, and approvals from city, county and state agencies or departments and demonstrate compliance with applicable building and fire codes. An Emergency Sshelter Residential Facility shall comply with all county and state health and safety requirements for food, medical and other supportive services provided on-site.
 2. **Number of beds.** A maximum of number of one hundred (100) beds or persons are permitted to be served nightly by the facility.

Article II Civic Activities

17.103.020 Special Health Care Civic Activities.

~~17.103.025 Crematories.~~

17.103.020 Special Health Care Civic Activities.

- A. **Additional Use Permit Criteria.** A conditional use permit for any conditionally permitted Special Health Care Civic Activities may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following use permit criteria:
1. That each Special Health Care Civic activity be no located no less than two thousand five hundred (2,500) feet from the nearest Special Health Care Civic activity within the City of Oakland.
 2. That each Special Health Care Civic activity be a minimum of five hundred (500) feet from the following activities:
 - a. Schools K—12;

- ~~b. Licensed Transitional Housing~~
- ~~c. Licensed Service Enriched Housing~~
- ~~bd. Licensed Emergency Shelters.~~

3. That each Special Health Care Civic Aactivity meets the following Performance Standards and that these performance standards be included as standard conditions of approval. These performance standards may be amended or expanded by the Planning Commission as they are applied to individual locations and projects:

- k. Prior to issuance of building permits or commencement of use, applicant shall submit a needle retrieval plan for all Special Health Care Civic Aactivities that provide needle exchange services on site. The plan shall, at a minimum, detail the protocol for the exchange of clean needles for dirty needles and for retrieving used needles within three hundred (300) feet of the site on a regular basis.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

~~17.103.025 Crematories.~~

~~Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Crematorium and an Extensive Impact Civic Activity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following use permit criterion:~~

- ~~A. Any proposed new or expanded crematorium must submit a Health Risk Assessment that shows that there is no significant health risk to the surrounding community.~~

~~(Ord. No. 13256, § 4(Exh. A), 9-23-2014)~~

Article III Commercial Activities

17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales
Commercial Activities.

17.103.040 Check Cashier and Check Cashing Commercial Activities.

17.103.050 Transient Habitation Commercial Activities.

17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

- e. If the activity is in conjunction with the on-sale and/or off-sale of alcoholic beverages at an alcoholic beverage manufacturer:
 - i. For the purposes of this Chapter only, an "alcoholic beverage manufacturer" means a Custom or Light Manufacturing Industrial Activity producing alcoholic beverages as a principal activity, with a State of California Department of

Alcoholic Beverage Control (ABC) license type that includes, but is not limited to, a Type 02 (Winegrower) or Type 23 (Small Beer Manufacturer). The ABC license type shall not consist solely of a bar or liquor store license type, such as a Type 48, 20, or 21. The on-sale and/or off-sale of alcoholic beverages at such an alcoholic beverage manufacturer are excluded from the definition of Alcoholic Beverage Sales Commercial Activities, as specified in Section 17.10.300.

- ii. The sale of alcoholic beverages at an alcoholic beverage manufacturer is only permitted upon the granting of a Minor Conditional Use Permit (CUP), regardless of whether such Custom or Light Manufacturing Industrial Activity is otherwise allowed by right in the underlying zone (see Chapter 17.134 for the CUP procedure).
2. Sale of alcoholic beverages in conjunction with a Full Service Restaurant Commercial Activity and located within any of the following restricted street areas applied to a depth of two hundred (200) feet on each side of the identified streets and portions of streets, as measured perpendicularly from the right-of-way line thereof: International Boulevard; Foothill Boulevard; MacArthur Boulevard and West MacArthur Boulevard; that portion of San Pablo Avenue lying between Highway 1-980 and 1-580; that portion of Edes Avenue lying between Clara Street and Bergedo Drive, shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.103.040 Check Cashier and Check Cashing Commercial Activities.

- A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Check Cashier and Check Cashing Commercial Aactivity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following performance standards:
 1. That each Check Cashier and Check Cashing Commercial Aactivity be located not less than one thousand (1,000) feet from the nearest Check Cashier and Check Cashing Commercial Aactivity within the City of Oakland.
 2. That each Check Cashier and Check Cashing Commercial Aactivity be a minimum of five hundred (500) feet from the following activities, which on the date of an application for Check Cashier and Check Cashing Commercial Aactivity had a vested right under California law to operate:
 - a. Community Education Ceivic Aactivities;
 - b. State or federally chartered bank, savings association, credit union, or industrial loan company;
 - c. Community Aassembly Ceivic Aactivities;
 - d. Recreational Aassembly Ceivic Aactivities; or
 - e. Alcoholic Beverage Sales Commercial Aactivities, excluding Full Service Restaurants and Alcoholic Beverage Sales Commercial Aactivities with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more. (Note that this precludes combining Check Cashier and Check Cashing Commercial Aactivity with

Alcoholic Beverage Sales Commercial Activities because Alcoholic Beverage Sales Commercial Activities are always considered a primary activity and therefore subject to this distance standard).

3. That each Check Cashier and Check Cashing Commercial Activity meets the following performance standards and that these performance standards are included as standard conditions of approval. These performance standards may be amended or expanded by Staff and/or the Planning Commission as they are applied to individual locations and projects:

17.103.050 Transient Habitation Commercial Activities.

- A. A Conditional Use Permit for any Transient Habitation Commercial Activity may only be granted upon determination that the proposal conforms to the general use permit criteria (see Section 17.134.050) and to all of the following additional use permit criteria:
 3. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:
 - d. The majority of the parking is located either to the side or rear of the site, or where appropriate, within a structured parking facility that is consistent, compatible and integrated into the overall development;
 - f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level, and appropriate attention to detail;

Article VI Residential Facilities

17.103.080 One-Family Dwelling with Secondary Unit Residential Facilities.

17.103.080 One-Family Dwelling with Secondary Unit Residential Facilities.

- A. **Development Standards.** The following regulations shall apply to the construction, establishment, or alteration of Secondary Units wherever permitted or conditionally permitted, as specified in each individual zone:
 1. **Other Uses on Property.** A Secondary Unit shall only be permitted on a lot that contains ~~only one (1) other primary dwelling unit~~. A Secondary Unit may be approved and constructed at the same time or after the approval and construction of the primary dwelling unit.
 2. **Sale of Unit.** A Secondary Unit shall not be sold separately from the primary dwelling unit on the same lot.
 3. **Owner Occupancy.** The legal owner shall occupy either the primary dwelling unit or the Secondary Unit. Prior to issuance of a building permit for a Secondary Unit, the applicant shall record as a deed restriction in the Alameda County Recorder's Office, notice of this requirement, in a form prescribed by the Director of City Planning.
 4. **Maximum Permitted Floor Area.** The floor area of a Secondary Unit shall not exceed seven hundred fifty (750) square feet ~~nine hundred (900) square feet~~ or seventy-five percent (75%)

fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, except that Secondary Units of up to five hundred (500) square feet in floor area are permitted regardless of the size of the primary dwelling unit.

5. **Required Parking.** Except as specified in Subsection a. below for Secondary Units within one-half mile of a Bay Area Rapid Transit (BART) or Bus Rapid Transit (BRT) station, the minimum parking requirements for a Secondary Unit shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. As specified in Section 17.116.240, tandem parking may be permitted for one (1) of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility in any base Zone except when combined with the S-11 or S-12 Zones, as long as the floor area of the Secondary Unit does not exceed the maximum allowed in this Section.
 - a. Secondary Units that are within one-half mile of a BART or BRT station shall have no additional parking requirement.
6. **Setbacks.** Except as specified in Subsection 7. below for the conversion of existing detached accessory structures, the minimum setback requirements for an attached or detached Secondary Unit shall be as prescribed in the applicable individual zone regulations, in Subsection K. of Section 17.108.130, and the first paragraph of Section 17.108.130.
7. **Conversion of an Existing Detached Accessory Structure.** A detached accessory structure legally in existence prior to the effective date of this amended Code section and located outside of the front yard setback, may be converted into a Secondary Unit, regardless of any existing nonconformity as to side setback, rear setback, or height, as long as:
 - a. The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable zoning regulations, including but not limited to, all provisions in this Section;
 - b. The floor area of the resulting Secondary Unit does not exceed the maximum allowed in this Section; and
 - c. The minimum parking requirement can be met on site.
8. **Fire Flow and Water Pressure.** A Secondary Unit may be permitted only if the fire flow and water pressure in the adjoining street meets the minimum requirements as determined by the Fire Marshal.
96. **Emergency Access—Multiple Vehicular Outlets.** A Secondary Unit may be permitted only on a lot which has frontage on a through street, or a dead-end street that has a total length of less than three hundred (300) feet. For the purposes of this Subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the private access easement is connected to said dead-end street.
107. **Emergency Access—Minimum Pavement Width.** A Secondary Unit may be permitted only if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum pavement width of at least twenty-four (24) feet. The minimum pavement width limitation may be reduced to a minimum of twenty (20) feet,

upon the granting of a conditional use permit, pursuant to the criteria in Subsection B. of this Section, and the conditional use permit procedure in Chapter 17.134.

118. Public Sanitary Sewer. A Secondary Unit may be permitted only if it is served by a public sanitary sewer.

129. Architectural Compatibility. The Secondary Unit shall be clearly subordinate to the primary dwelling unit in size and location. Also, the ~~architectural design and exterior finish~~ materials of a Secondary Unit shall match or be visually compatible with that of the primary dwelling unit, including the ~~architectural style, siding material, roof shape and/or pitch, roofing material, trim material and design, and window types, window trim, and window sill detail.~~

1340. Compliance with Building and Fire Codes. All Secondary Units shall comply with all other code and permit requirements imposed by all other affected departments, including but not limited to, fire separation, sound separation, egress, utility access, and the requirement for a building permit.

1414. Review Procedure. An application for a Secondary Unit of up to five hundred (500) square feet shall be granted ministerial approval as specified in Section 17.136.025 upon confirmation of compliance with all applicable zoning regulations, including but not limited to, all provisions in this Section. The five hundred (500) square-foot floor area threshold for a Secondary Unit may only be exceeded, up to a maximum size of seven hundred fifty (750) nine hundred (900) square feet or seventy-five percent (75%) fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, upon the granting of small project design review, pursuant to the small project design review procedure in Section 17.136.030.

B. Use Permit Criteria for Secondary Units Accessed Via Narrow Streets. A conditional use permit for a Secondary Unit accessed from the nearest arterial street via a street with a minimum pavement width of between twenty (20) and twenty-four (24) feet may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the general use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That there is adequate emergency access to the lot as determined by the Fire Marshall;
2. That the portions of the street that have a pavement width of less than twenty-four (24) feet are not located on a dead-end street;
3. That if on-street parking is permitted on portions of the street that have a pavement width of less than twenty-four (24) feet, that there exist a level and hard surface shoulders with a combined additional width of at least eight (8) feet;
4. That if on-street parking is prohibited on portions of the street that have a pavement width of less than twenty-four (24) feet, that the restricted parking areas are clearly marked with official City installed no-parking signs and/or red curbs, pursuant to the provisions of the Oakland Traffic Code (Title 10 of the Oakland Municipal Code).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

Article VIII Nonresidential Facilities

17.103.090 Sidewalk Cafe Nonresidential Facilities.

17.103.100 Drive-Through Nonresidential Facilities.

17.103.090 Sidewalk Cafe Nonresidential Facilities.

A. Procedures for Construction of Sidewalk Cafe Facilities.

1. Notwithstanding any design review requirement of the particular zone, Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or will not have any permanent structures in the public right-of-way, are allowed by right subject to the standards required in Subsection B. of this Section.
2. Sidewalk Cafes that have more than five (5) tables/fifteen (15) chairs and/or have a permanent structure in the public right-of-way are subject to small project design review in Section 17.136.030.

B. Standards for Sidewalk Cafes.

1. Sidewalk Cafes shall not encroach upon any public right-of-way unless a minimum of five and one-half (5½) feet of unobstructed improved sidewalk or fifty percent (50%) of the overall unobstructed improved sidewalk width, whichever is greater, remains available for pedestrian purposes. The minimum distance shall be measured from the portion of the Sidewalk Cafe encroachment which is nearest to any obstruction within the sidewalk area. For purposes of the minimum clear path, parking meters, traffic signs, trees, tree wells, sidewalk planter strips, and all similar obstacles shall constitute obstruction.
2. Operators/owners of Sidewalk Cafes shall obtain an encroachment permit from the City's Public Works Agency, Building Services Division, and shall comply with all requirements imposed by other affected departments. The encroachment permit shall include language that a waste receptacle be placed outside, all garbage/litter associated with Sidewalk Cafes must be removed within twenty-four (24) hours, and a requirement to obtain liability insurance. The City shall be named as an additional insured and the amount of the insurance shall be determined by the City's Risk Manager.

Chapter 17.104 GENERAL LIMITATIONS ON SIGNS

Sections:

- 17.104.010 General limitations on Signs in Residential Zones, except the RU-4 and RU-5 Zones, and in Open Space (OS) Zones.
- 17.104.020 General limitations on Signs—RU-4 and RU-5 Zones, and all Commercial and Industrial Zones.
- 17.104.030 General limitations on Signs—S-1, S-2, S-3, D-CO-1, and S-15 Zones.
- 17.104.040 Limitations on Signs within one thousand (1,000) feet of rapid transit routes.
- 17.104.050 Amortization of Advertising Signs in Residential Zones.
- 17.104.060 General Limitations on Advertising Signs.
- 17.104.070 Master Sign Programs.

17.104.010 General limitations on Signs in Residential Zones, except the RU-4 and RU-5 Zones, and in Open Space (OS) Zones.

17.104.020 General limitations on Signs—RU-4 and RU-5 Zones, and all Commercial and Industrial Zones.

The following limitations shall apply to the specified Signs in the RU-4 and RU-5 Zones and all Commercial and Industrial Zones, and except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations and development control maps:

- A. Design Review. No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- B. Permitted Aggregate Sign Area.
 - 1. In the RU-4 and RU-5 Zones and all Commercial Zones, the maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below and to the small project design review procedure in Chapter 17.136.
 - 2. In all Industrial Zones, the maximum aggregate area of display surface of all Business, Civic and Residential Signs on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed three hundred (300) square feet

on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below.

3. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:

- a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.
- b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.

C. Maximum Height.

- 1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
- 2. Freestanding Signs. The maximum height of any freestanding sign in the CC, M-20, M-30, M-40, CIX, IG, IO, D-CE, D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 Zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 Zones and all other Commercial and Industrial Zzones is ten (10) feet.

D. Limitations on Signs within Required Minimum Yards.

- 1. No business, realty, or development sign shall be located within a required minimum yard.

E. Special Limitations Near Boundaries of Residential Zones, Except the RU-4 and RU-5 Zones. The following special limitations shall apply to the indicated Ssigns within the specified distances from any boundary of a Residential Zzone, except the RU-4 and RU-5 Zones. For the purposes of this Subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.

- 1. Within twenty-five (25) feet from any boundary of a Residential Zzone, except the RU-4 and RU-5 Zones, no business sign shall face said boundary if it is visible therefrom.

F. Development Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial Zzones, the maximum aggregate area of display surface of all Ddevelopment Ssigns on any one lot shall be either seventy-five (75) square feet or one (1) square foot for each two (2) feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

G. Realty Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial Zzones, the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one (1) square foot for each two (2) feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a display surface of twelve (12)

square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

3. Placement of Signs.

- a. Signs are allowed on private property only. Signs shall not ~~be~~ placed in public rights-of-way or at off-site locations.
- b. Signs must be affixed to a permanent structure.

4. Temporary Signs shall not be illuminated.

5. Durable Materials Required. Signs shall be constructed of durable, rigid material suitable to the location and purpose. Only interior window Signs may be made of nonrigid (e.g. paper) material.

6. Removal of Signs. Temporary Signs and their components shall be promptly removed at the expiration of the time limits set forth above.

17.104.030 General limitations on Signs—S-1, S-2, S-3, D-CO-1, and S-15 Zones.

The following limitations shall apply to the specified Signs in the S-1, S-2, S-3, D-CO-1, and S-15 Zones, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations or development control maps:

A. Design Review. No Business, Civic, or Residential Sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.

B. Permitted Aggregate Sign Area. S-1, S-2, S-3, D-CO-1, and S-15 Zones. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one (1) square foot for each one foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.1. below.

1. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:

- a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.
- b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.

C. Maximum Height.

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
2. Freestanding Signs. The maximum height of any freestanding sign in the S-1, S-2, S-3, D-CO-1, and S-15 Zones is ten (10) feet.

- D. Special Limitations Near Boundaries of Residential Zones, except the RU-4 and RU-5 Zones. Signs shall be subject to the same special limitations along or near boundaries of Residential Zones, except the RU-4 and RU-5 Zones, as are set forth in Subsection 17.104.020.E.
- E. Special, Development, and Realty Signs. All Special, Development, and Realty Signs shall be subject to the same limitations as are set forth in Subsections C., D. and F. of Section 17.104.010 for such Signs in Residential Zones, except the RU-4 and RU-5 Zones.
- F. Signs within One Thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

17.104.050 Amortization of Advertising Signs in Residential Zones.

- A. Removal Criteria. In accordance with California Business and Professions Code Section 5412.1, those Advertising Signs meeting all of the following criteria shall be removed within the time periods set forth below without compensation:

17.104.060 General Limitations on Advertising Signs.

Notwithstanding any provisions to the contrary contained within the Planning Code, Addvertising Signs are not permitted in Oakland except: (1) as otherwise provided for in this Code, or (2) pursuant to a franchise agreement or relocation agreement authorized by the Oakland City Council, which expressly allows Addvertising Signs and then only under the terms and conditions of such agreements.

(Ord. 12425 § 2, 2002)

17.104.070 Master Sign Programs.

- A. Submittal Requirements. In all Commercial and Industrial Zones, as well as the RU-4, RU-5, S-1, S-2, S-3, and S-15 Zones, any Commercial, Industrial, or mixed use building or complex containing two (2) or more tenant spaces on site may apply for a Master Sign Program which specifies the overall design, configuration, and permitted sizes of Signs for that building or complex. Applications for a Master Sign Program shall identify, at a minimum, the permitted sign sizes, materials, colors, placement, construction, method of lighting, and other related sign requirements for the applicable Commercial, Industrial, or mixed use building or complex. Drawings shall indicate the exterior surface details of all buildings on the site; the typical sign locations, designs, colors, and faces; and the methods of sign construction, installation, and lighting.

Chapter 17.106 GENERAL LOT, DENSITY, AND AREA REGULATIONS

Sections:

17.106.010 Lot area and width exceptions.

17.106.020 Exceptions to street frontage requirement.

17.106.030 Maximum density and Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities.

17.106.040 Use permit criteria for increased density or Floor-Area Ratio for high-rise Residential Facilities.

17.106.050 Use permit criteria for increased density or Floor-Area Ratio with acquisition of nearby abutting development rights.

17.106.060 Increased number of living units in senior citizen housing.

17.106.010 Lot area and width exceptions.

The minimum lot area and lot width requirements prescribed in the applicable individual zone regulations shall be subject to the following exceptions:

- A. Existing Substandard Parcel. Any existing substandard parcel of contiguous land may be developed as a lot if such parcel existed lawfully under the previous zoning controls.
- B. Division of Parcel with Existing Buildings. Where a parcel contains two (2) or more existing principal buildings which were lawfully established, said parcel may be divided into two (2) or more lots which do not have the minimum lot area, minimum lot width, and minimum frontage, yards, open space, and parking requirements otherwise applying to the divided lots may be waived or modified upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Each resulting lot shall accommodate at least one existing principal building and each lot shall have frontage on a street. A conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria in Chapter 17.134 and to the following special criteria:
 1. That all principal structures existed lawfully under the previous zoning controls, and are habitable or in sound condition;
 2. That the proposal will not result in a lot which is so small, so shaped, or so situated that it would be impractical for subsequent permitted uses;
 3. That the proposal will maintain the existing amount of usable open space and off-street parking spaces for any Residential Facilities involved.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. 12872 § 4 (part), 2008; prior planning code § 7050)

17.106.020 Exceptions to street frontage requirement.

Notwithstanding the requirements prescribed in the applicable individual zone regulations with respect to minimum frontage upon a street, a lot which does not meet such requirements may be created and/or developed in each of the following situations:

- B. If it is served by a private access easement approved pursuant to the real estate subdivision regulations and subject to the provisions of Section 17.102.090;
- C. If it consists of a parcel of contiguous land which existed lawfully under the previous zoning controls;
- E. With the exception of Subsections B₁ and C₁ of this Section, nothing in this Section shall exempt parcels in the S-11 Zone from any street frontage requirement.

(Ord. 12872 § 4 (part), 2008; prior planning code § 7051)

17.106.030 Maximum density and Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities.

The maximum density and Floor-Area Ratio (FAR) requirements prescribed in the applicable individual zone regulations shall be subject to the following methods for calculating the portion of lot area used in computing density:

- A. Portion of Lot Area Used in Computing Density in the Central Business District, and Jack London District, and HBX Zones as described in Section 17.65.090.A. For mixed use projects in the Central Business District and Jack London district, and for certain types of mixed use projects in the HBX Zones as described in Section 17.65.090.A, the allowable intensity of development shall be measured according to both the maximum Nonresidential Floor-Area Ratio (FAR) allowed by the zone and the maximum Residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum Nonresidential FAR and the maximum Residential density. (The Central Business District is that area identified and adopted as part of the Land Use and Transportation Element Land Use Diagram of the General Plan. The Jack London district is that area identified as part of the Estuary Policy Plan and adopted as part of the General Plan).
- B. Portion of Lot Area Used in Computing Density in Areas other than the Central Business District, ~~and Jack London District, and HBX Zones as described in Section 17.65.090.A.~~ For mixed use projects located in areas other than the Central Business District and Jack London district, and for mixed use projects other than the certain types of mixed use projects in the HBX Zones as described in Section 17.65.090.A, in which a maximum Floor-Area Ratio (FAR) is generally prescribed for Nonresidential Facilities, no portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through such FAR, Floor-Area Ratio, the maximum amount of floor area for any Nonresidential Facility on the same lot, unless the total Nonresidential floor area on the lot is less than three thousand (3,000) square feet.
- C. Different Floor-Area Ratios. In all zones in which the maximum Floor-Area Ratio (FAR) generally prescribed for Residential Facilities is different from that for Nonresidential Facilities, the overall maximum FAR Floor-Area Ratio of any lot containing both Residential and Nonresidential Facilities shall be the greater of the two prescribed FARs, Floor-Area Ratios. However, the total floor area actually devoted to each class of facility shall not exceed the maximum ratio prescribed for that class.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12772 § 1 (part), 2006; Ord. 12349 § 3, 2001; prior planning code § 7053)

17.106.040 Use permit criteria for increased density or Floor-Area Ratio for high-rise Residential Facilities.

A conditional use permit for an increase in the number of living units or Floor-Area Ratio (FAR) for a Residential Facility with more than four (4) stories containing living units, wherever such increase is provided for in the applicable individual zone regulations, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That openness of development, limitation of site coverage, and the design of the facilities effectively compensate for the potential effect of the increase in the number of living units or Floor-Area Ratio ~~added structural bulk upon adjoining properties and the surrounding area;~~
- B. That the shape and siting of the facilities are such as to minimize blocking of views or sunlight from adjoining lots or from other Residential Facilities in the surrounding area;
- C. That usable open space is provided ~~substantially~~ in excess of the amount otherwise required.

(Ord. 12872 § 4 (part), 2008; prior planning code § 7057)

17.106.050 Use permit criteria for increased density or Floor-Area Ratio with acquisition of nearby ~~abutting~~ development rights.

A conditional use permit for an increase in the number of living units or Floor-Area Ratio (FAR) upon acquisition of nearby development rights, wherever such increase is provided for in the applicable individual zone regulations, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That the applicant has acquired development rights from the owners of one or more abutting lots located within three hundred (300) feet, restricting the number of living units or the amount of floor area which may be developed thereon; ~~so long as the facilities proposed by the applicant are in existence;~~
- B. That the owners of all such ~~abutting~~ lots located within three hundred (300) feet shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;
- C. That the resultant reduction in potential number of living units or amount of floor area on the ~~abutting~~ lots located within three hundred (300) feet is sufficient in amount and is so located as to cause the net effect upon the surrounding neighborhood to be substantially equivalent to that of the development which would be allowable otherwise.

Chapter 17.107 DENSITY BONUS AND INCENTIVE PROCEDURE

Sections:

17.107.010 Title, purpose, and applicability.

17.107.020 Definitions.

17.107.050 Land Donation.

17.107.060 Child Care Facilities.

17.107.070 Condominium Conversions

17.107.080 Density incentives or concessions.

17.107.120 Parking ratio reductions mandated by California Government Code

17.107.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Density Bonus and Incentive Procedure Regulations. The purpose of these provisions is to encourage the construction of affordable housing, senior housing, the provision of child care facilities, and other incentives and concessions, following California Government Code, Sections 65915-65918 (formerly known as the "density bonus").

The Density Bonus and Incentive Procedure is intended to comply with provisions of the California Government Code Section 65915-65918 (inclusive), which provides that a local government shall grant a density bonus and concessions, or financially equivalent incentive(s), to a developer of a housing development constructing a specified percentage of housing for low income households, very low income households, senior citizens, or providing child care facilities. This procedure shall apply to all proposals, citywide, to create five (5) or more living units in which the developer is requesting the density bonus. Any provision in California Government Code Section 65915-65918 (inclusive), but not included in this Chapter is considered by the City of Oakland to be valid and applicable.

17.107.020 Definitions.

C. Child Care Facility, for the purposes of this Chapter only, the following definitions in California Government Code Sections 65915 (h) (4) and 65917.5 (a) (1) shall apply:

"Child care facility,"(65915 (h) (4)) as used in this Section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.

"Child care facility" (65917.5 (a) (1)) means a facility installed, operated, and maintained under this Section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

K. Residential Housing Development shall mean, for the purposes of this Chapter, a project involving the construction of five (5) or more residential dwelling units, excluding any units permitted by the density bonus awarded pursuant to this Chapter. Further, a "housing

development" is as defined in California Government Code Section 65915(i). (Ord. 12501 § 74, 2003; Ord. 12331 § 2 (part), 2001)

17.107.050 Land Donation

A. **Eligibility.** A project involving a land donation to the City shall be eligible for the increased Density Bonus described in this Section if all of the following conditions are met:

1. The applicant donates and transfers the land to the City no later than the date of approval by the City of the final subdivision map, parcel map, or residential development application of the Residential Development Project seeking the Density Bonus.

17.107.060 Child Care Facilities

C. **Commercial or industrial development.** California Government Code (Section 65917.5) permits a Density Bonus when a child care facility is installed, operated and maintained in a commercial or industrial project, over the otherwise maximum allowable density permitted under the applicable Zoning ordinance and land use element of the Oakland General Plan. The bonus shall be calculated as follows:

For purposes of calculating the density bonus under this Section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

D. Notwithstanding any requirement of this Section, the City shall not be required to provide a Density Bonus or concession for a Child Care Facility if it finds, based upon substantial evidence, that the community has adequate child care facilities. Further, the provisions of California Government Code Section 65917.5 (Subsections c-e) shall apply in Oakland.

17.107.070 Condominium Conversions

A. Residential Development Project involving the conversion of existing apartments into condominiums, pursuant to Title 16 Oakland Subdivision Regulations, that includes at least thirty-three percent (33%) of its total units restricted to moderate income households for thirty (30) years, or fifteen percent (15%) of its total units affordable to Lower Income households for thirty (30) years, and agrees to pay for the administrative costs incurred by the City related to process the application and monitor the future status of the Affordable Housing Units, the City shall either:

(i) grant a Density Bonus, increasing the number of residential units by twenty-five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion; or

(ii) provide other incentives of equivalent financial value to be determined by the City. For purposes of this Section, "other incentives of equivalent financial value" shall not be construed to require the City of Oakland to provide cash transfer payments or other monetary

compensation, but may include the reduction, or waiver, of requirements which the City might otherwise apply as conditions of conversion approval.

B. An applicant for approval to convert apartments to a condominium project may submit to the City a preliminary proposal ("Pre-Application") pursuant to this Section prior to the submittal of any formal requests for subdivision map approvals. The City shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this Section.

17.107.080 Density Incentives or Concessions

A density incentive or concession is a benefit offered by the city that results in direct cost reductions and facilitates construction of eligible projects as defined by the provisions of this Chapter and shall mean any of the following:

A. The reduction in development standards in order to allow utilization of a density bonus, including but not limited to:

1. Required off-street parking;
2. Required setbacks;
3. Maximum building height;
4. Required open space;
5. Maximum Floor-Area Ratio (FAR);
6. Minimum lot area;
7. Minimum courtyards.

17.107.120 Parking ratio reductions mandated by California Government Code

A. Per California Government Code, upon the request of the developer, no city shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the category criteria in Section 17.107.040(A) that exceeds the following ratios:

1. Zero to one bedroom: **one (1) onsite parking space.**
2. Two to three bedrooms: **two (2) onsite parking spaces.**
3. Four and more bedrooms: **two and one-half (2½) parking spaces.**

C. This provision shall apply to a development that meets the requirements of Section 17.107.040, but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in Section 17.107.120, pursuant to Section 17.107.080.

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS**Sections:**

17.108.010 Height restrictions on lots abutting property in an RH, RD, or RM Zone.

17.108.030 Allowed projections above height limits.

17.108.080 Minimum side yard opposite living room windows.

17.108.130 Exceptions to required openness of minimum yards and courts.

17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.

17.108.150 Retaining walls.

17.108.010 Height restrictions on lots abutting property in an RH, RD, or RM Zone.

In the RU, R-80, S-1, S-2, S-3, and S-15 Zones and all Commercial and Industrial Zones, the following regulations shall apply to every lot therein which abuts any lot located in an RH, RD, or RM Zone:

17.108.030 Allowed projections above height limits.

The height restrictions prescribed for facilities in the applicable individual zone regulations and development control maps and in Sections 17.108.010 and 17.108.020 may be exceeded in accordance with the following table. However, facilities within required minimum yards and courts shall also be subject to the applicable provisions of Section 17.108.130.

Facilities Allowed Above the Prescribed Height	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot

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Facilities Allowed Above the Prescribed Height	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot
A. Chimneys, ventilators, plumbing vent stacks, water tanks, cooling towers, machinery rooms, <u>parapets</u> , and other equipment and appurtenances which are not provided for elsewhere in this Section. (For screening around these, see below.)	Ten (10) percent, minus any percentage covered pursuant to Subsection B. of this Section.	For Facilities in <u>Subsection A. of this Section, excluding parapets</u> : Ten (10) feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. <u>For parapets only: Five (5) feet, but shall not apply to One- or Two-Family Residential Facilities.</u>	Fifteen (15) feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed <u>five (5) four (4)</u> feet.
B. Elevator or stair towers; penthouses, excluding those containing any living unit; stage or scenery lofts in theatres or performance venues; <u>and skylights and dormer windows located on principal and accessory Nonresidential Facilities.</u> ; <u>and rooftop fenced or walled spaces which do not qualify elsewhere in this Section.</u>	Ten (10) percent, minus any percentage covered pursuant to Subsection A. of this Section.	Twelve (12) feet, except upon the granting of a conditional use permit.	Ten (10) feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four (4) feet.

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Facilities Allowed Above the Prescribed Height	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot
C. Skylights, dormers and gable ends up to fifteen (15) feet in width located on principal and accessory Residential Facilities, except accessory facilities permitted in minimum yards or courts pursuant to Subsection 17.108.130.K.	Ten (10) percent, minus any percentage covered pursuant to Subsection A. of this Section.	Ten (10) feet above maximum wall height for dormers and gable ends, but in all cases, no higher than the maximum roof height; and one (1) foot for skylights, but in all cases, no higher than the maximum height of the roof section on which they are located, except that skylights on a flat roof (slope 1:12 or less) may extend one (1) foot above the roof.	Ten (10) feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four (4) feet.
D. Decorative features such as spires, bell towers, domes, cupolas, obelisks, and monuments.	Ten (10) percent, minus any percentage covered pursuant to Subsection A. or B. of this Section, <u>but no restriction for buildings fifty (50) feet or greater in height if the decorative feature is granted design review approval.</u>	Fifteen (15) feet, except upon the granting of a conditional use permit.	Fifteen (15) feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four (4) feet.
E. Fire escapes, catwalks, and open railings required by law.	No restriction.	No restriction.	No restriction.

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Facilities Allowed Above the Prescribed Height	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot
F. Rooftop recreational, observation, seating, outdoor dining, clothesline, and parking facilities, unroofed themselves except for incidental sunshades, wind-screens, and similar devices; rooftop landscaping, other than trees; and unroofed open stairs; and rooftop open <u>fenced in and walled spaces</u> which do not qualify elsewhere in this Section.	No restriction.	Ten (10) feet, except upon the granting of a conditional use permit.	Fifteen (15) feet, except upon the granting of a conditional use permit; but no restriction if the vertical projection above the prescribed height does not exceed four (4) feet.
G. Eaves, awnings, balconies, open stairs, and similar lateral extensions of a building, where the prescribed height is expressed as a ratio to some horizontal setback.	No restriction.	Four (4) feet in the case of Section 17.108.010 and eight (8) feet otherwise.	No restriction.
H. Microwave and satellite dishes which are over three (3) feet in diameter and located in any <u>R</u> esidential <u>Z</u> one or within one hundred fifty (150) feet from the nearest boundary of any <u>R</u> esidential <u>Z</u> one, subject where applicable to the provisions of Section 17.102.240.	Ten (10) percent, minus any percentage covered pursuant to Subsection A. or B. of this Section.	Seven (7) feet, except upon the granting of a conditional use permit.	Ten (10) feet, except upon the granting of a conditional use permit.
I. Radio and television masts antennas, other than micro-wave and satellite dishes.	No restriction.	Fifteen (15) feet, except upon the granting of a conditional use permit.	Five (5) feet, except upon the granting of a conditional use permit.

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Facilities Allowed Above the Prescribed Height	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot
J. Trees; flagpoles; weather vanes; microwave and satellite dishes which are <u>three (3) feet</u> one (1) meter or less in diameter; and utility poles and lines.	No restriction.	No restriction.	No restriction.
K. Special Signs; and other Signs if flat against the surface of a facility authorized above.	No special restriction, but subject to the regular height and other limitations applicable to Signs.	No special restriction, but subject to the regular height and other limitations applicable to Signs.	No special restriction, but subject to the regular height and other limitations applicable to Signs.

Any conditional use permit under Subsection H. of this Section shall be subject to the same use permit criteria as are prescribed in Section 17.102.240.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13112, § 4(Exh. A), 4-30-2012; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12376 § 3 (part), 2001; prior planning code § 7075)

17.108.080 Minimum side yard opposite living room windows.

On each lot containing Residential Facilities with a total of two (2) or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-BV, D-LM, D-CO, S-1, S-2, S-15, and D-KP Zones and fifteen percent (15%) of the lot width in all other Zzones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided

unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

17.108.130 Exceptions to required openness of minimum yards and courts.

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table. Furthermore, in no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees, which extend more than six (6) feet above the level at which the rear yard is required. Wherever a yard is required only for a particular facility, it may be provided at the level of the lowest story containing such facility; provided that where such facility is a Residential Facility, such level shall be that of the lowest story, or portion thereof, containing any living unit. Where the height of facilities within minimum yards or courts is not specifically further limited by the following table, the facilities shall conform to the regular height restrictions, if any, applicable to facilities where they are located. Facilities within minimum yards and courts shall also be subject to any applicable screening requirements or other controls prescribed by the buffering regulations in Chapter 17.110 or by the pertinent development control maps or individual zone regulations, which in some zones require that minimum front yards, or side yards on the street side of a corner lot, be landscaped.

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
A. Eaves; awnings, louvers, and similar shading devices; sills, cornices, and chimneys; and similar architectural projections from a building.	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Two (2) feet into court.

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Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
B. Patio roofs and similar structures projecting from and serving a Residential Facility, if such structures do not exceed twelve (12) feet in height above the finished grade of the required yard or level of the required court and if each has open, unwallled sides along not less than fifty percent (50%) of its perimeter. (If less open, see Subsection K.)	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Any distance into above yard.	Two (2) feet into court.

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Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
C. Breezeways and similar roofed passageways projecting from and serving a Residential Facility, if they do not exceed twelve (12) feet in height above the finished grade of the required yard or level of the required court and eight (8) feet in width and if they are not enclosed on the sides. (If wider or less open, see Subsection K.)	Four (4) feet into above yard.	Four (4) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Two (2) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Any distance into above yard.	Two (2) feet into court.
D. Bay windows, if the aggregate width of bay windows on any one story does not exceed fifty percent (50%) of the length of the wall containing them; and if no individual bay window exceeds fifteen (15) feet in width.	Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.	Three (3) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.		Five (5) feet into above yard.	

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Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
E. Balconies, decks, and similar structures projecting from and serving Residential Facility and having a height, including railings, of more than six (6) feet above the finished grade of the required yard or level of the required court, but excluding corridors and similar facilities providing access to two (2) or more living units; provided that such structures are cantilevered or supported by necessary columns; and further provided that such structures are unroofed, except that a balcony or deck projecting from a higher story shall not be deemed a roof.	Six (6) feet into above yard, though not to within five (5) feet of the front lot line for One- or Two-Family Residential Facilities.	Five (5) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	Five (5) feet into above yard, though not to within five (5) feet of interior side lot line; but may extend any distance if they meet the same provisos as stated in Subsection K.	Six (6) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K.	

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Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
F. Exterior access facilities which lead to the second or higher story of a building, including open or enclosed fire escapes and open, unroofed fireproof outside stairways, landings, exterior corridors, and wheelchair ramps.	Four (4) feet into above yard, but may extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Four (4) feet into above yard, but may extend any distance if they meet the same provisions as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Any distance into above yard if they meet the same provisions as stated in Subsection K. (not allowed otherwise).	Four (4) feet into above yard, but may extend any distance if they meet the same provisions as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	
G. Unroofed porches, steps, decks, and wheelchair ramps, and other similar raised structures projecting from a building and having a height, including railings, of not more than six (6) feet above the finished grade of the required yard or level of the required court.	Eight (8) feet into above yard; but may extend any distance if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Eight (8) feet into above yard, but may extend any distance if they meet the same provisos as stated in Subsection K. or if they are required to accommodate wheelchair ramps or similar ADA access facilities.	Any distance into above yard.	Anywhere in court.

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Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
H. Open storage of boats, trailers, appliances, miscellaneous equipment, and similar materials, including areas for temporary storage of waste or used materials. (See also Subsection I., and O.M.C. Subsection 8.24.020.F.)			Anywhere in above yard, provided that in all <u>C</u> ommercial and <u>I</u> ndustrial <u>Z</u> ones, the height of such storage shall not exceed five and one-half (5½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in above yard, provided that in all <u>C</u> ommercial and <u>I</u> ndustrial <u>Z</u> ones, the height of such storage shall not exceed five and one-half (5½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in court.
I. Air conditioners, compressors, hot tub motors, and similar devices if emitting noise readily noticeable by the average person at or beyond the lot line, whether or not the devices are attached to a building.				Anywhere in above yard.	Anywhere in court.
J. Slides, clotheslines, and similar equipment; radio or televisions masts or antennas; microwave or satellite dishes.		Anywhere in above yards, subject where applicable to the provisions of Section 17.102.240			Anywhere in court, subject where applicable to the provisions of Section 17.102.240

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Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
K. Detached garages and sheds; <u>detached Secondary Units</u> ; detached or attached carports, parking podiums and other detached or attached accessory structures not provided for elsewhere by this Section; and portions of principal Nonresidential Facilities not provided for elsewhere nearby.		<p>Anywhere in above yards, provided that:</p> <ol style="list-style-type: none"> 1. The facility is within thirty-five (35) feet of the rear lot line, <u>and any detached Secondary Unit built after the effective date of this amended Code Section is not located closer than four (4) feet from the side or rear lot line</u>; and 2. The wall height of the facility <u>within four (4) feet of the side or rear lot line does not exceed ten (10) feet nine (9) feet</u> in height to the top of the plate above finished grade, <u>and in areas greater than four (4) feet from the side or rear lot line, the wall height may only extend above ten (10) feet the extent necessary to allow gable ends, dormers, sheds, or similar roof elements on up to 2 elevations (a shed roof must slope down to lot line(s) in close proximity).</u> <u>The roof height, for roofs with a maximum 8 in 12 slope, does not exceed fourteen (14) feet twelve (12) feet</u> above finished grade, except for incidental decorative features or minor appurtenances such as flues; and 3. <u>The facility itself does not contain any residential living quarters, except that in the West Oakland Specific Plan area, a Any Secondary Unit may be allowed in such a facility if it meets all requirements set forth in Section 17.103.080; and</u> 4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights, or it involves an approved home occupation as specified in Chapter 17.112; <u>in the West Oakland Specific Plan Area as specified in Section 17.112.060 or an approved home occupation in the D-CE Central Estuary District zones as specified in Chapter 17.101E; and</u> 5. The affected side yard, if any, is not one required by Section 17.102.240, <u>or 17.28.150.C.1.</u> <p>But on any reversed corner lot which abuts a key lot in any <u>R</u>esidential <u>Z</u>one, detached accessory buildings shall also be subject to the provisions stated in Subsection 17.110.040.C.</p>			

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Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)						
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court		
L. Unroofed, raised platforms designed to accommodate off-street parking, including ramps and stairways necessary to provide access.	Anywhere in above yard except within five (5) feet of interior side lot line and except as otherwise provided in Subsection M.	Same as prescribed in Subsection K., except as otherwise provided in Subsection M.					
M. Unroofed parking and loading areas.	In any yard or court, except that in all <u>R</u> esidential <u>Z</u> ones and in the S-1, S-2, and S-3 Zones, no unroofed parking space which is located on any lot containing three (3) or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of the edge of pavement of any street or alley.						
N. Covered, underground or partially excavated structures, including, but not limited to, garages, fallout shelters, wine cellars, and basements.	In any yard or court, provided that: 1. The surfaces of such facilities are landscaped or developed as patios or terraces; and 2. Such facilities do not extend more than thirty (30) inches above finished grade. However, these provisions shall not apply if the facilities would otherwise qualify, in the same yard, under Subsection K.						
O. Fences; dense hedges; barrier, and similar freestanding walls.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.140						

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Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
P. Trees, shrubs, and landscaping other than dense hedges with a screening effect; sculpture and similar decorations; flagpoles; unroofed patios and swimming pools; driveways; walkways and detached steps; and utility poles and lines.	In any yard or court, subject to the applicable limitations of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections."				
Q. Signs.	In any yard or court, subject to the applicable limitations on Signs in Chapter 17.104				
R. Security fences (for active Code Enforcement Cases addressing blighted vacant lots and vacant buildings)	In any yard or court provided that such facilities: 1. Shall not exceed eight (8) feet; 2. Shall comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurement at Intersections" and 3. Shall contain a minimum seventy-five percent (75%) transparency to allow visual access into the site from the public right-of-way.				
S. Living space located completely under driveway ramps	In any yard or court.				
T. Retaining walls; and earthen mounds, embankment s, and other fill.	In any yard or court, provided that such facilities comply with the provisions of Section 17.108.150				

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13112, § 4(Exh. A), 4-30-2012; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4 (part), 2008; Ord. 12533 § 3 (part), 2003; Ord. 12376 § 3 (part), 2001; prior planning code § 7090)

17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.

- B. Residential Zones and Residential Facilities. The provisions of this Section apply to all properties located in all Residential Zones, and to all properties located in any zone containing Residential Facilities.
 - 1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following:
 - a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty-two (42) inches, except that six (6) feet is permitted in the following cases:
- C. Commercial Zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones. The provisions of this Subsection apply to all properties located in all Commercial Zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones.
 - 1. Height.
 - a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a Residential Zone shall not exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.
 - b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.
- D. Industrial Zones. The provisions of this Subsection apply to all properties in all Industrial Zones. ~~zoning districts.~~
 - 1. Height.
 - a. The maximum height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located within a Residential Zone shall be eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

17.108.150 Retaining walls.

- C. Retaining walls visible from the street or adjacent lots shall be surfaced with a decorative material, treatment or finish, such as stained or stuccoed concrete, decorative concrete block, wood, stone or masonry, or other decorative material, treatment or finish approved by the Director of City Planning. For purposes of this Section, "visible from the street or adjacent lots" refers to any portion of a wall that is not located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot.

Chapter 17.110 BUFFERING REGULATIONS

Sections:

17.110.010 Title, purpose, and applicability.

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zzones.

17.110.030 General buffering requirements —Commercial and Industrial Zzones.

17.110.040 Special buffering requirements.

17.110.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Buffering Regulations. The purpose of these regulations is to prescribe screening requirements and other controls designed to ensure an orderly relationship between neighboring developments, to enable diverse kinds of uses to be located near one another compatibly, and to improve the appearance of individual properties, neighborhoods, and the city. These regulations shall apply to the specified uses in the zones and situations indicated hereinafter.

(Prior planning code § 7100)

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zzones.

The following regulations shall apply in all Residential Zzones and in the S-1, S-2, S-3, S-15, D-CO-1, and OS Zzones, and are in addition to the provisions set forth in Section 17.110.040:

17.110.030 General buffering requirements —Commercial and Industrial Zzones.

The following regulations shall apply in all Commercial and Industrial Zzones, and are in addition to the provisions set forth in Section 17.110.040:

- A. Screening Along Entire Lot Line Abutting Residential Zone If Lot in Commercial or Industrial Zone Is Occupied by Commercial, or Industrial Activities, ~~or Agricultural or Extractive Activities~~. Wherever any lot which is located in any Commercial or Industrial Zzone and which is occupied by Commercial, or Industrial Activities, ~~or Agricultural or Extractive Activities~~ abuts a lot located in any Residential Zzone, it shall be screened from the residentially zoned lot, along the entire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half feet (5½) high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
- B. Screening of Open Parking, Loading, and Storage Areas. All open off-street parking areas located on any lot containing three (3) or more independent parking spaces, and

all open off-street loading, storage, sales, display, service, and processing areas on any lot, shall be:

3. Screened from any lot abutting the side or rear property lines located in any Residential Zone, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.
- C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See Subsections H and K of Section 17.108.130.
- D. Control on Artificial Illumination in Certain Situations. All artificial illumination which is readily visible from any of the Residential Facilities or residentially zoned lots referred to in Subsection B of this Section shall be directed away from said facilities and lots so as to eliminate objectionable glare.

17.110.040 Special buffering requirements.

- A. Open Storage Areas on Same Lot as Residential Facility—Screening Required Within Three (3) Years. In all zones, on any lot which contains both a Residential Facility and any area devoted to open storage or display of goods or materials, said open storage or display area shall be screened from all abutting lots, streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Existing open storage and display areas on such lots shall either be removed or provided with the above prescribed screening within three years after the effective date of the zoning regulations.
- B. Screening of Open Parking, Loading, and Storage Areas in the CN, CR-1, M-20, D-CE-3, D-CO-1, and S-15 Zones. In the CN, CR-1, M-20, D-CE-3, D-CO-1, and S-15 Zones, open parking, loading, and storage areas shall be subject to the same screening and setback requirements as are set forth in Subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.
- C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. In all zones, on any reversed corner lot which abuts a key lot located in any Residential Zone, no detached accessory building shall be located within five (5) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer to the street line on which the key lot fronts than a distance equal to the minimum front yard depth required on the key lot, unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.

Chapter 17.112 HOME OCCUPATION REGULATIONS**Sections:**

17.112.010 Title, purpose, and applicability.

17.112.020 Definitions.

17.112.030 Exclusions.

17.112.040 Requirements.

17.112.050 Required approval.

~~17.112.060 Special Regulations for Home Occupation in the West Oakland Specific Plan Area.~~

17.112.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Home Occupation Regulations. The purpose of these regulations is to prescribe the conditions under which limited Nonresidential Aactivities may be conducted when incidental to Residential Activities. ~~Except as otherwise specified in Section 17.101E.100 for the D-CE-3 Central Estuary District Zone,~~ these regulations shall apply to all activities of a nonresidential nature which are incidental to Residential Activities when such Nonresidential Aactivities would not be allowed if they were not incidental to Residential Activities. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area and Section 17.101E.100 for home occupation regulations specific to the D-CE-3 Central Estuary District Zone.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Prior planning code § 7300)

17.112.020 Definitions.

- A. ~~Except as otherwise defined in .100(B) for the D-CE-3 Central Estuary District Zone and Section 17.112.060(B) for the West Oakland Specific Plan Area,~~ Aa "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and reserved for use by an occupant of the living unit; therefor, or, for Limited Agricultural Activities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Sections 17.112.030, 17.112.040, and 17.112.050.
- B. For the purpose of this Chapter only, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year 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.

17.112.030 Exclusions.

The following activities shall not in any case qualify as home occupations:

- D. Operation of a beauty parlor with more than two (2) hair-drying machines;

17.112.040 Requirements.

- A. Applicability. The home occupation regulations described below shall apply citywide, ~~except as otherwise specified in Section 17.112.060 for the West Oakland Specific Plan Area and Section 17.101E.100 for the D-CE-3 Central Estuary District Zone.~~
- B. Location. A home occupation shall only be performed in the following locations:
 - 1. Within a living unit by a resident thereof;
 - 2. Within an attached or detached garage or accessory structure that is attached to, and reserved for, use by an occupant of a living unit; and
 - 3. For Limited Agricultural Activities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.
- C. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.
- D. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this Section, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include any sequential employee shifts with each shift staffed by a different employee, even if only one (1) nonresident employee would be at the site at any one (1) time. Only one (1) nonresident employee is permitted per Residential Unit, even if more than one (1) home occupation business operates at the subject unit. No person other than a resident of the living unit shall be employed in the conduct of the home occupation, except that practitioners in the medical arts may employ one assistant who does not reside in the living unit.
- ED. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
- EE. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one Sign with a display surface of not more than one square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and nonflashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted. The historic character-defining features of the building shall be maintained in all home occupations.
- GF. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.

HG. Traffic Generation. The home occupation shall not generate pedestrian or vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.

IH. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.

J. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011; Prior planning code § 7303)

17.112.050 Required approval.

No home occupation shall be permitted unless the Director of City Planning certifies that it will conform to the home occupation regulations. For activities involving hazardous materials, the applicant shall submit a sufficient description of the business (including but not limited to, a site plan, floor plan, machinery used, materials, and materials storage) to also allow for review by the Building Services Division and/or Fire Department.

The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the Administrative Appeal Procedure in Chapter 17.132.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; prior planning code § 7304)

~~17.112.060 Special Regulations for Home Occupation in the West Oakland Specific Plan Area.~~

~~A. Purpose and Applicability. The special home occupation regulations described below shall only apply in the West Oakland Specific Plan Area. The purpose of these regulations is to prescribe the expanded conditions under which nonresidential activities may be conducted in the West Oakland Specific Plan Area when incidental to Residential Activities. These special home occupation regulations are intended to incentivize the preservation of historic homes in West Oakland's neighborhoods, and to encourage more home-based artisan crafts in the district. The historic character-defining features of the structures must be maintained.~~

~~B. Definitions.~~

~~1. For the purpose of this section only, a "home occupation" is defined as an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and located on the same lot as the living unit, or for Limited Agricultural Activities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an~~

~~art or profession, the offering of a service, or the conduct of a business, subject to the provisions of this section and Sections 17.112.030 and 17.112.050.~~

- ~~2. For the purpose of this section, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year 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.~~
- ~~3. For the purpose of this section, a "bee keeping activity" is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.~~

~~C. Requirements.~~

- ~~1. Location. A home occupation in the West Oakland Specific Plan Area shall only be performed in the following locations:

 - ~~a. Within a living unit by a resident thereof;~~
 - ~~b. Within an attached or detached garage or accessory structure reserved for a living unit; and~~
 - ~~c. For Limited Agricultural Activities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.~~~~
- ~~2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.~~
- ~~3. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one (1) nonresident employee is at the site at any one (1) time. Only one (1) nonresident employee is permitted per residential unit, even if more than one (1) home occupation business operates at the subject unit.~~
- ~~4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.~~
- ~~5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one (1) Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the~~

- ~~home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.~~
- ~~6. Retention of Historic Character-Defining Features. The historic character-defining features of the building shall be maintained in all home occupations.~~
 - ~~7. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.~~
 - ~~8. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.~~
 - ~~9. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.~~
 - ~~10. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.~~
- ~~D. Application. For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City's Basic Application for Development Review for the floor plan and site plan requirements; See also the City's Supplemental Questionnaire for Proposed Activities/Uses.~~

Chapter 17.114 NONCONFORMING USES

Sections:

Article I - General Provisions

Article II - Nonconforming Activities

Article III - Nonconforming Facilities

Article I General Provisions

17.114.010 Title, purpose, and applicability.

17.114.020 Definitions.

17.114.040 Right to continue nonconforming use, subject to limitations.

17.114.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Nonconforming Use Regulations. The purpose of these regulations is to control, ameliorate, or terminate uses which do not conform to the zoning regulations. These regulations shall apply to all nonconforming uses.

(Prior planning code § 7400)

17.114.020 Definitions.

As used in this Chapter:

"Nonconforming activity" means an activity which, under the current zoning regulations, is not itself a permitted activity where it is located or does not conform to the off-street parking or loading requirements, performance standards, or other requirements applying to activities. However, an activity of the character described above shall not be deemed a nonconforming activity to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

"Nonconforming facility" means a facility which, under the current zoning regulations, is not itself a permitted facility where it is located or does not conform to the density, Floor-Area Ratio (FAR), height, yard, court, buffering, landscaping or screening, or usable open space requirements; limitations on Signs; or other requirements applying to facilities. However, a facility of the character described above shall not be deemed a nonconforming facility to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

17.114.040 Right to continue nonconforming use, subject to limitations.

- A. **Right to Continue.** A nonconforming use which is in existence on the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such use nonconforming, and which existed lawfully under the previous zoning controls, or which is subsequently developed or changed pursuant to Section 17.114.030, may thereafter be continued and maintained indefinitely, and the rights to such use shall run with

the land, except as otherwise specified in the nonconforming use regulations. However, no substitution, extension, or other change in activities and no alteration or other change in facilities is permitted except as otherwise provided in Section 17.114.030 and except as specifically provided hereinafter.

- B. **Limitation on Right to Continue Nonconforming Auto and Truck-Related Activities in All Districts.** As used in regards to all such nonconforming Aauto and Ttruck-Related Aactivities, the word "activity" refers solely to the unique function or operation occurring on the affected property, and does not refer to any other activity within an activity type with which that activity is grouped. Any right to substitute, extend or alter an existing auto or truck-related activity refers solely to the specific existing function or operation, and does not provide any right to substitute, extend or alter that activity with any other type of activity within the activity type with which the activity is grouped.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12368 § 3, 2001: prior planning code § 7403)

Article II Nonconforming Activities

- 17.114.050 Nonconforming Aactivity—Discontinuance.
- 17.114.060 Nonconforming Aactivity—Damage or destruction.
- 17.114.070 Nonconforming Aactivity—Allowed substitutions and other changes in activity.
- 17.114.080 Nonconforming Aactivity—Allowed alterations and extensions.
- 17.114.090 Nonconforming Massage Service and Aadult Entertainment Aactivities—Discontinuance required within one year.
- 17.114.100 Nonconforming Scrap Operation Commercial Aactivities—Discontinuance required within one year.

17.114.050 Nonconforming Aactivity—Discontinuance.

- D. Whenever a nonconforming Trucking and Truck-Related Industrial Activity or Recycling and Waste-Related Industrial Activity in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, not including the T overlay, discontinues active operation for more than ninety (90) days, it may only be resumed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter only be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.

17.114.060 Nonconforming Aactivity—Damage or destruction.

- A. **Nonconforming Nonresidential Activities.** Facilities accommodating or serving any nonconforming Nonresidential Aactivity which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter only be restored to accommodate or serve the prior nonconforming activity

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upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

- B. Nonconforming Residential Activities.** Facilities accommodating or serving a nonconforming Residential Activity which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter ~~only~~ be restored to accommodate or serve the prior nonconforming Residential Activity provided all of the following conditions are met:

17.114.070 Nonconforming Activity—Allowed substitutions and other changes in activity.

- A. Activity Nonconforming Because It Is Not a Permitted Activity.** The activities specified in the following table may be substituted for any of the indicated activities which is nonconforming wholly or partly because it is not itself a permitted activity where it is located:

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
Any zone.	Any such activity.	Any activity otherwise permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, any activity otherwise conditionally permitted in the same location.
Any Residential <u>Z</u> one or S-1, S-2, or S-3 <u>Z</u> one.	Any such Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Activity permitted in the CN-4 <u>Z</u> one.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	Research Service	(see below)
	General Wholesale Sales	(see below)
	Building Material Sales	(see below)
	Automobile and Other Light Vehicle Sales and Rental	(see below)
	Automotive and Other Light Vehicle Repair and Cleaning	(see below)
	Taxi and Light Fleet-Based Service	(see below)
	Animal Care	(see below)
	Animal Boarding	(see below)
	Undertaking Service	(see below)

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Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
	Scrap Operation	(see below)
		Any Activity permitted in the CC-2 <u>Z</u> zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
	General Food Sales	(see below)
	Full Service Restaurant	(see below)
	Limited Service Restaurant and Cafe	(see below)
	Fast-Food Restaurant	(see below)
	Convenience Market	(see below)
	Alcoholic Beverage Sales	(see below)
	Mechanical or Electronic Games	(see below)
	General Retail Sales	(see below)
	Consumer Service	(see below)
	Consumer Cleaning and Repair Service	(see below)
	Consumer Dry Cleaning Plant	(see below)
	Group Assembly	(see below)
	Personal Instruction and Improvement <u>Services and Small Scale Entertainment</u>	(see below)
	Business, Communication, and Media Service	(see below)
	Broadcasting and Recording Service	(see below)
		Any Commercial Activity permitted in the CN-4 <u>Z</u> zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activities:	
	Medical Service	(see below)
	Consultative and Financial	(see below)

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Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
	Service	
	Administrative	(see below)
		Administrative Civic Activities. Administrative Commercial Activities. Medical Service. Consultative and Financial Service.
	Any other Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 <u>Z</u> zone.
Any Commercial <u>Z</u> zone.	Any Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 <u>Z</u> zone.
Any Industrial <u>Z</u> zone.	Any such Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 <u>Z</u> zone.

Changes that do not constitute substitutions may be made in any activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located. The above substitutions and other changes may be made without regard for requirements on off-street parking and loading, conduct of activities within enclosed buildings, means of customer access, and total floor area which normally apply to activities, except as otherwise provided in Section 17.116.020C. However:

2. Conversions of dwelling units to use by a Nonresidential Aactivity shall be subject, where applicable, to the provisions of Section 17.102.230
3. If the nonconforming activity is located at ground level on any lot in the CN-1 or CN-2 Zzone, no change shall be made in the nature of the particular activity, except when the result is itself permitted in the same location, unless a conditional use permit is granted pursuant to the conditional use permit procedure. This does not restrict a change in ownership, tenancy, or management where the previous line of business or other function is not changed.
4. For any nonconforming Alcoholic Beverage Sales Commercial Activity presently located in any zone in which it is not a permitted activity, no change shall be made in the activity which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control. Further, no change shall be made in any nonconforming activity involving the sale of alcoholic beverages at a full service restaurant in any location described by Section 17.103.030.B.2, which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control, unless a conditional use permit is granted pursuant to the conditional use permit procedure in Chapter 17.134.
5. No substitution or other change shall be made in any nonconforming activity which would conflict, or further conflict, with any applicable provision of the performance

standards in Chapter 17.120, or of any kind of requirement not mentioned hereinabove which applies to activities.

If the activity resulting from a change allowed above is not a normally permitted and otherwise conforming activity, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed a nonconforming activity and changes in it shall be subject to this Ssection.

- B. Activity Nonconforming for Other Reasons.** Except as otherwise provided in Sections 17.114.050 and 17.114.060, an activity which is itself permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure, an activity which is itself conditionally permitted may be substituted for any activity which is itself a permitted activity where it is located and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to activities. Changes other than substitutions may also be made in such activities. However, no substitution or other change shall be made which would create any new nonconformity, or increase any existing nonconforming, with respect to said requirements. (Changes which are allowed by Section 17.116.020B shall not be deemed to conflict or further conflict with the parking or loading requirements.) If the activity resulting from the change does not meet such requirements, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed nonconforming and changes in it shall be subject to this Ssubsection.

17.114.080 Nonconforming Activity—Allowed alterations and extensions.

- A. Nonresidential Activity Nonconforming Because It Is Not a Permitted Activity.** Except as otherwise provided in Section 17.114.060, a Nonresidential Activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the requirements normally applying to uses where the activity is located and subject to the following provisions and exceptions:
1. Except as otherwise provided in Ssubsection (A)(3) of this Ssection, the floor area and overall outside dimensions of any building, or portion thereof, devoted to such activity shall not be increased; no open parking, loading, sales, display, service, production, or storage area accommodating or serving such activity shall be relocated or increased in size; and no such building or open area shall be wholly reconstructed. However, in the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment may be increased as long as the amount of space actually devoted to the sale of alcoholic beverages is not increased by more than twenty percent (20%) of that already existing. See Tables 17.15.01 (L4), 17.17.01 (L4), and 17.19.01 (L7) for restrictions to this allowable expansion in the RD, RM, and RU Zones.
 2. In the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the percentage of actual floor area devoted to the sale of alcoholic beverages shall not be increased by more than twenty percent (20%) of that already existing, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134
 3. New, wholly reconstructed, enlarged, or relocated structures or open areas devoted to off-street parking or loading serving such activity may be provided wherever Automotive Fee Parking Commercial Activities are permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter

17.134, wherever Automotive Fee Parking Commercial Activities are conditionally permitted. In Residential Zones, such facilities for off-street parking may be provided in the situations, and subject to the conditions, prescribed in Section 17.116.075.

5. During any five-year period, beginning on or after the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such activity thus nonconforming, the aggregate cost of all alterations for which a building or sign permit is required, and which are intended for any activity subject to this Subsection, shall not exceed twenty-five percent (25%) of the replacement cost, as estimated by the Building Services Department, of the facilities accommodating or serving such activity at the beginning of said period. However, the cost of alterations ordered by any governmental agency or permitted by Section 17.114.060 shall be exempt from said maximum cost.
7. A nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 Zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure in Chapter 17.136. This conditional use permit and design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding Residential Activities through landscaping and fencing.

B. Residential Activity Nonconforming Because It Is Not a Permitted Activity. Except as otherwise provided in Section 17.114.060, a Residential Activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the following provisions:

2. The amount of added or wholly reconstructed floor area devoted to such activity shall not exceed in the aggregate twenty percent (20%) of that already existing on the affected lot. If a new or wholly reconstructed floor area is developed, usable open space shall be provided for all living units on the lot in the amount required in the RU-2 Zone.
3. Existing usable open space shall not be reduced below, or if already less than shall not be reduced further below, the usable open space requirements applying in the RU-2 Zone.
4. All alterations and other changes shall conform to, or not further conflict with, the minimum yard and court and maximum height requirements and the limitations on Signs generally applying in the RM-3 Zone, as well as to the requirements generally applying to uses where the activity is actually located.

C. Activity Nonconforming for Other Reasons. Except as otherwise provided in Section 17.114.060, any activity which is itself a permitted activity where it is located and which is nonconforming only as to off-street parking or loading requirements, performance standards, or other requirements applying to activities may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, in any way which does not result in a greater degree of nonconformity with respect to such requirements and which conforms to the requirements normally applying to uses where the activity is located.

17.114.090 Nonconforming Massage Service and Aadult Entertainment Aactivities—Discontinuance required within one year.

Within one year after the effective dates of Sections 17.102.160, 17.102.170 and 17.148.050, all previously legal but now nonconforming Aadult Entertainment and Massage Service Aactivities shall be discontinued or shall be brought into full conformance with said sections except that such activities may continue for up to an additional two years upon the granting of a conditional use permit, pursuant to Section 17.102.160B and the conditional use permit procedure in Chapter 17.134, and upon a determination that the activity is obligated under a written lease at the nonconforming location which exceeds one year from the effective dates of Sections 17.102.160, 17.102.170 and 17.148.050 or that the activity has incurred such an investment of money in leasehold or other improvements such that a longer period is necessary to prevent undue financial hardship.

17.114.100 Nonconforming Scrap Operation Commercial Aactivities—Discontinuance required within one year.

Within one (1) year after the effective date of this Section or of any subsequent rezoning which makes an existing Scrap Operation Commercial Activity a nonconforming activity, all nonconforming Scrap Operation Commercial Activities located within a Residential Zone or within one hundred (100) feet of a Residential Zone and which wholly or partially occupy an open facility shall be discontinued or may continue only upon the granting of a conditional use permit, pursuant to the conditional use permit procedure in Chapter 17.134; provided, however, that if the proposal does not conform to the use permit criteria at Section 17.134.050, but as an alternative a finding is made that the activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, then a conditional use permit shall be granted for a period not to exceed two (2) additional years.

Article III Nonconforming Facilities

17.114.110 Nonconforming Facility—Allowed alterations.

17.114.120 Nonconforming Facility—Damage or destruction.

17.114.140 Nonconforming open storage in the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 Zones—Screening required within three (3) years.

17.114.150 Nonconforming Sign within 1,000 feet of, and primarily viewable from, rapid transit route—Removal required for certain categories.

17.114.170 Nonconforming Signs in CN-1 Zone—Removal required.

17.114.180 Nonconforming Signs in CR-1 Zone—Removal required for certain categories.

17.114.110 Nonconforming Facility—Allowed alterations.

- A. **When Occupied by Conforming Activity.** Except as otherwise provided in Section 17.114.120, a nonconforming facility which accommodates or serves a conforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be

changed, in any way which does not create any new nonconformity or increase the degree of any existing nonconforming with respect to any requirement applying to facilities. Any new, relocated, or wholly reconstructed part of a facility shall itself conform to all applicable such requirements. Nonconforming Residential Facilities containing a total of more than one living unit on a lot, when located in a zone where only one living unit is permitted on a lot, shall be subject to the requirements generally applying in the RU-2 Zzone with respect to side yards opposite living room windows; courts; and usable open space. Nonconforming Nonresidential Facilities which are not themselves permitted facility types in the zone where they are located shall not be increased in floor area or overall outside dimensions; relocated, except to remove a nonconformity; or wholly reconstructed.

- B. **When Occupied by Nonconforming Activity.** Except as otherwise provided in Section 17.114.120, a nonconforming facility which accommodates or serves a nonconforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, subject to the conditions of Section 17.114.080 as well as those of Subsection A₂ of this Section. In such a case, new Signs of a type not otherwise permitted may be developed as authorized by Subsections A₂ and B₂ of Section 17.114.080
- C. **Conversion from Advertising Sign in the CN, CR-1, D-CO-1, or S-15 Zzones.** No nonconforming Advertising Sign in the CN, CR-1, D-CO-1, or S-15 Zzones shall be converted, by change of copy or otherwise, to any other type of Sign unless the entire Sign as converted meets all the requirements of said zone for a new Sign, including design review approval.

17.114.120 Nonconforming Facility—Damage or destruction.

- A. **Nonconforming Nonresidential Facilities.** Nonconforming nonresidential facilities which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter ~~only be~~ restored to their prior condition upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- B. **Nonconforming Residential Facilities.** Nonconforming Residential Facilities which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter be restored to their prior condition provided all of the following conditions are met:

17.114.140 Nonconforming open storage in the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 Zzones—Screening required within three (3) years.

In the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 Zzones, all open storage areas shall, within three (3) years after inclusion in said zones, be either removed or made to conform to the screening requirements of Section 17.110.040B.

17.114.150 Nonconforming Sign within 1,000 feet of, and primarily viewable from, rapid transit route—Removal required for certain categories.

- A. **Basic Requirements.** Within the indicated time periods, and except as otherwise provided in Subsection B₂ of this Section, all nonconforming Signs in the following categories which

are located within one thousand (1,000) feet of the centerline of a rapid transit route shall be removed, relocated, or otherwise changed so as to conform:

Category	Time Period
Any Business which is painted, or consists of a poster affixed, directly on a building wall or fence; for which design review is prescribed by Section 17.104.040A; and which is or has become primarily viewable by the passengers on the transit route.	Three (3) years after the effective date of Section 17.104.040 (that date was April 8, 1971) or three (3) years after the date of official determination of the transit route, whichever occurs later.

The Director of City Planning shall determine which Signs are or have become so viewable, subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

- B. Exception. Any Sign listed in Subsection A₂ of this Section may be retained permanently if it is approved pursuant to the design review procedures in Chapter 17.136 and the provisions of Section 17.104.040A.

17.114.170 Nonconforming Signs in CN-1 Zzone—Removal required.

- A. Basic Requirements. Within the time periods indicated below for the specified categories, and except as otherwise provided in Subsection B₂ of this Section, all nonconforming Signs shall be removed, relocated, or otherwise changed so as to conform. See also Section 17.114.110C.

Category	Time Period
Any pennants, streamers, propellers, and similar devices.	One (1) year after inclusion in the CN-1 <u>Z</u> zone.
Any other Sign which is nonconforming with respect to any provision of Section 17.148.110	Three (3) years after inclusion in the CN-1 <u>Z</u> zone.

The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

17.114.180 Nonconforming Signs in CR-1 Zzone—Removal required for certain categories.

Within three (3) years after inclusion in the CR-1 Zzone, all nonconforming pennants, streamers, propellers, and similar devices shall be removed, relocated, or otherwise changed so as to conform.

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III - Off-Street Loading Requirements

Article IV - Standards for Required Parking and Loading Facilities

Article I General Provisions

17.116.010 Title, purpose, and applicability.

17.116.020 Effect on new and existing uses.

17.116.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Off-street Parking and Loading Requirements. The purpose of these regulations is to require adequate off-street parking and loading, thereby reducing traffic congestion, allowing more efficient utilization of on-street parking, promoting more efficient loading operations, and reducing the use of public streets for loading purposes. Except as may otherwise be specified in Chapter 17.101E for the D-CE Zones, these requirements shall apply to the indicated activities as specified hereinafter. See Chapter 17.101E Central Estuary District Zones Regulations for parking regulations specific to Boat and Marine-Related Sales, Rental, Repair and Servicing for the D-CE Central Estuary District Zones.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Prior planning code § 7500)

17.116.020 Effect on new and existing uses.

(See illustrations I-19a, b.)

- A. **New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities.** Except as otherwise provided in Sections 17.114.030 and Chapter 17.138, new off-street parking and loading as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for such activities, except to the extent that existing parking or loading exceeds such requirements for any existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date; provided, however, that for an activity occupying a facility existing on said effective date, new parking shall be required for said increase to the extent that the total of such existing facility and the added facilities exceeds any minimum size hereafter prescribed for which any parking is required for such activity.

- B. New Parking to Be Provided for New Living Units in Existing Facilities.** Except as provided in Sections 17.116.110(D)(3) for the conversion of historic buildings in the D-BV and D-LM Zones, if any facility, or portion thereof, which is in existence on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for an activity therein, is altered or changed in occupancy so as to result in an increase in the number of residential living units therein, new off-street parking as prescribed hereafter shall be provided for the added units. However, such new parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new parking need not be provided to the extent that existing parking exceeds the latter requirement. Other alterations and substitutions or other changes in activities may be made in any facility or portion thereof existing on said date without regard for the parking and loading requirements prescribed hereafter, and new parking and loading shall not be required therefor, except as otherwise provided in Subsection A₂ of this Section with respect to additions and in Subsection C₂ of this Section.
- C. Existing Parking and Loading to Be Maintained.** No existing parking or loading serving any activity shall be reduced in amount or changed in design, location, or maintenance below, or if already less than shall not be reduced further below, the requirements prescribed hereafter for such activity unless equivalent substitute facilities are provided.
- D. Parking to be Provided for Existing Residential Facilities.** When a conditional use permit is required by Section 17.102.300 for the alteration of, or addition to, an existing Residential Facility in order to create a total of five (5) or more bedrooms in any dwelling unit, the off-street parking requirement of Section 17.102.300_C shall apply to the entire facility, including the existing facility and any alteration or addition.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 7501)

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.070 Off-street parking—Civic Activities.

17.116.080 Off-street parking—Commercial Activities.

17.116.082 Off-street parking in the D-BV Zones—Commercial Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

17.116.110 Special exemptions to parking requirements.

17.116.060 Off-street parking—Residential Activities.

- A. Permanent and Semi-Transient Residential Activities.** Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and

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17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter:

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	RH and RD Zones, except when combined with the S-12 Zone.	Two (2) spaces for each dwelling unit; however, <u>when combined with the S-11 Zone</u> , the requirement shall be one (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1 Zone, except when combined with the S-12 Zone.	One and one-half (1½) spaces for each dwelling unit.
	RM-2 Zone, except when combined with the S-12 Zone.	a) One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width; <u>or</u> b) One (1) space for each dwelling unit, regardless of lot size or width, when lot is located in the <u>West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north); or except when combined with the S-12 zone.</u> c) One and one-half (1½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when <u>located in the West Oakland District (see Requirement b. above).</u> combined with the S-12 zone.
	CBD-P Zone (when combined with the S-7 Zone), except when combined with the S-12 Zone.	No spaces required.
	S-15 Zones, except when combined with the S-12 Zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.

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Residential Facility Type	Zone	Requirement
One-Family Dwelling with Secondary Unit.	RH, RD, RM-1, and RM-2 Zones, except when combined with the S-12 Zone.	One (1) space for the <u>Secondary Unit</u> unless the lot is located within one-half (1/2) mile of a Bay Area Rapid Transit (BART) or Bus Rapid Transit (BRT) station, or already contains a total of at least three (3) spaces; however, <u>when combined with in the S-11 Zone</u> , the requirement shall be one (1) space for each bedroom in any <u>Secondary Unit</u> , up to a maximum requirement of two (2) spaces per <u>Secondary Unit</u> . See Section 17.103.080.
	D-LM Zones, <u>except when combined with the S-12 Zone.</u>	No additional space required for <u>the Secondary Unit</u> .
	All other zones, except when combined with the S-12 Zone.	One (1) space for the <u>Secondary Unit</u> unless the lot is located within one-half (1/2) mile of a BART or BRT station, or already contains a total of at least two (2) spaces; however, <u>when combined with in the S-11 Zone</u> , the requirement shall be one (1) space for each bedroom in any <u>Secondary Unit</u> , up to a maximum requirement of two (2) spaces per <u>Secondary Unit</u> . See Section 17.103.080.
	<u>Any zone, except when combined with the S-11 or S-12 Zone, if located within one-half (1/2) mile of a BART or BRT station.</u>	<u>No additional space required for the Secondary Unit.</u>
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Two-Family Dwelling. Multifamily Dwelling.	RD-2, RM-1, RM-2 Zones, except when combined with the S-12 Zone.	One and one-half (1½) spaces for each dwelling unit; <u>however, except for the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), where the minimum parking requirement shall be only one (1) space for each dwelling unit.</u>
	CBD-P Zone (when combined with the S-7 zone), except when combined with the S-12 Zone.	No spaces required.
	S-15 and D-CO Zones, except when combined with the S-12 Zone.	One-half (½) space for each dwelling unit. <u>See Section 17.116.110 for further regulations in the D-CO Zones, including unbundling of parking.</u>

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Residential Facility Type	Zone	Requirement
	D-BV-1, and D-BV-2, and D-LM Zones, except when combined with the S-12 Zone.	One-half (½) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to, unbundling of parking and allowances for an in-lieu fee.
	D-BV-3 and D-BV-4 and D-LM Zones, except when combined with the S-12 Zone.	Three-quarters (¾) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to, unbundling of parking and allowances for an in-lieu fee.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Rooming House.	CBD-P Zone (when combined with the S-7 Zone).	No spaces required.
	D-BV-1, D-BV-2, and D-LM Zones.	One (1) space for each four (4) rooming units.
	Any other zone.	One (1) space for each two (2) rooming units.
Mobile Home.	CBD-P Zone (when combined with the S-7 Zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast	D-LM Zones.	Required parking for a One-Family dwelling in the underlying zone only.
	Any other zone.	One (1) space for each two units, plus the required parking for a One-Family dwelling in the underlying zone.

- B. **Residential Care, Service-Enriched Permanent, Transitional Housing and Emergency Shelter Residential Activities.** Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities when located in any zone and occupying the specified facilities and/or having the specified number of employees and/or facility vehicles, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter.

Residential Activity	Requirement
Residential Care.	One (1) space for each three (3) employees on site during the shift that has

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	maximum staffing, and one (1) space for each facility vehicle. Where more than three (3) spaces are required for a single housekeeping unit, additional spaces beyond three may be provided in tandem.
Service-Enriched Permanent Housing.	Two spaces for each three dwelling units and one space for each three rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.
Transitional Housing.	One space for each three dwelling units and one space for each four rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.
Emergency Shelter.	One (1) space for each three (3) employees on site during the shift that has maximum staffing, plus one (1) space for each facility vehicle.

17.116.070 Off-street parking—Civic Activities.

Except as otherwise provided in Sections 17.44.200, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15 and D-CO Zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	—	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P Zone (when combined with the S-7 Zone).	—	No spaces required.
	S-15 and D-CO Zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Private non-profit clubs and lodges.	S-15 and D-CO <u>Z</u> ones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	—	No spaces required.
Churches and all other.	CBD-P <u>Z</u> one (when combined with the S-7 <u>Z</u> one).	—	No spaces required.
	C-45, CBD-P (except when combined with the S-7 <u>Z</u> one), CBD-C, CBD-X, D-LM and S-2 <u>Z</u> ones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.
	CN <u>Z</u> ones.	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 and D-CO <u>Z</u> ones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	CBD-P, CBD-C, CBD-X, and D-LM <u>Z</u> ones.	-	No spaces required.
	S-15 and D-CO <u>Z</u> ones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
All others.	CBD-P, CBD-C, CBD-X, and D-LM <u>Z</u> zones.	-	No spaces required.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees.
D. Nonassembly Cultural Administrative.	CBD-P, CBD-C, CBD-X, and D-LM <u>Z</u> zones.	-	No spaces required.
	C-45, and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN <u>Z</u> zones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P <u>Z</u> zone (only when combined with the S-7 <u>Z</u> zone).	-	No spaces required.
	C-45, CBD-P (only if not combined with the S-7 <u>Z</u> zone), CBD-C, CBD-X, D-LM and S-2 <u>Z</u> zones.	No minimum	One (1) space for each staff or regular visiting doctor.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four (4) employees other than doctors, plus one space for each staff or regular visiting doctor.
Clinics.	CBD-P <u>Z</u> zone (only when combined with the S-7 <u>Z</u> zone).	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 <u>Z</u> zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15, D-CO, and D-LM <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees.
All other.	CBD-P <u>Z</u> zone (only when combined with the S-7 <u>Z</u> zone).	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 <u>Z</u> zone), CBD-C, CBD-X, D-LM and S-2 <u>Z</u> zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	No minimum.	One (1) space for each six (6) beds, plus one space for each four (4) employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	CDB-P, CBD-C, CBD-X and D-LM <u>Z</u> zones.	-	No spaces required.
	C-45, and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, CBD-X, and D-LM <u>Z</u> zones.	-	No spaces required.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each six (6) students of planned capacity.
All other.	CBD-P <u>Z</u> zone (only when combined with the S-7 <u>Z</u> zone)	-	No spaces required.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; Ord. 11892 § 13, 1996; prior planning code § 7512)

17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales. Full Service Restaurant. Limited Service Restaurant and Cafe.	C-55 , CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> ones.	—	No spaces required.
Convenience Market.	C-45, C-51 , S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
Alcoholic Beverage Sales.	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 300 square feet of floor area.
	D-BV <u>Z</u> ones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet.	One space for each 200 square feet of floor area.
B. Mechanical or Electronic Games. Medical Service.	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> ones.	—	No spaces required
General Retail Sales, except when sales are primarily of bulky	C-45 and S-2 <u>Z</u> ones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
merchandise such as furniture or large appliances. Consumer Service. Consumer Cleaning and Repair Service, except when services consist primarily of repair or cleaning of large items such as furniture or carpets. General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail. Undertaking Service.	CN <u>Z</u> ones.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	D-BV <u>Z</u> ones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
C. Consultative and Financial Service. Administrative. Business, Communication and Media Service. Broadcasting and Recording Services. Research Service.	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> ones.	—	No spaces required.
	C-45 and S-2 <u>Z</u> ones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN <u>Z</u> ones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	D-BV <u>Z</u> ones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale Sales, whenever less than fifty 50-percent (50%) of all sales on the lot are at retail. Building Material Sales. Automotive Sales and Service. Automobile and Other Light Vehicle Sales and	S-15 and D-CO-1 <u>Z</u> ones.	—	No spaces required.
	D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 <u>Z</u> ones.	10,000 square feet of floor area.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	C-45, CBD-P, CBD-C, CBD-X, D-LM and S-2 <u>Z</u> ones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Rental.	D-BV <u>Z</u> ones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
E. Group Assembly. Personal Instruction and Improvement Services.	CBD-P, CBD-C, CBD-X, D-LM, D-CO-1, and S-15 <u>Z</u> ones.	—	No spaces required.
	D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 <u>Z</u> ones.	10,000 square feet of floor area.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	C-45 and S-2 <u>Z</u> ones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.
	CN <u>Z</u> ones.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	D-BV <u>Z</u> ones.	See Section 17.116.082.	See Section 17.116.082.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), D-LM, DCO-1, and S-15 Zones.	—	No spaces required.
	D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 Zones.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	CBD-P, CBD-C, CBD-X, and D-BV Zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as furniture or large appliances. Consumer Cleaning and Repair Service,	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 Zones.	—	No spaces required.
	C-45 and S-2 Zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV Zones.	See Section 17.116.082.	See Section 17.116.082.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
whenever services consist primarily of repair or cleaning of large items such as furniture or carpets. Animal care and Animal boarding.	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
H. Automobile and Other Light Vehicle Gas Station and Servicing.	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> zones.	—	No spaces required.
Automotive and Other Light Vehicle Repair and Cleaning.	C-45 and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
Automotive Fee Parking.	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing.	CBD-P, CBD-C, CBD-X, D-CO, and D-LM <u>Z</u> zones.	—	No spaces required.
Taxi and Light Fleet-based Service.	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three (3) employees.
J. Scrap Operation.	CBD-P, CBD-C, CBD-X, D-CO, and D-LM <u>Z</u> zones.	—	No spaces required.
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> zones.	—	No spaces required.
	C-45 <u>Z</u> zone.	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	CN and S-2 <u>Z</u> zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

17.116.082 Off-street parking in the D-BV Zones—Commercial Activities

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for Commercial Activities when located in the D-BV Zzones and occupying facilities of the specified sizes. The required parking spaces shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Location of Commercial Activity	Minimum Total Size for Which Parking Required	Requirement
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A. Commercial Activities on the ground floor, except for Transient Habitation (see Table 17.116.080).	10,000 square feet of floor area.	One (1) space for each 500 square feet of floor area.
B. Commercial Activities not on the ground floor, except for Transient Habitation (see Table 17.116.080).	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

17.116.090 Off-street parking—Industrial Activities.

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C, CBD-X, D-CO, and S-15 Zzones.	—	No spaces required.
Any other zone.	10,000 square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three (3) employees, whichever requires more spaces.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C, CBD-X, D-CO, and D-LM Zzones.	—	No spaces required.
C-45 and S-2 Zzones.	10,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.

Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.
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(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; prior planning code § 7515)

17.116.110 Special exemptions to parking requirements.

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

A. **Discretionary Reduction for Senior Citizen Housing and Dormitories.** In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in Section 17.116.060 may be reduced by not to exceed seventy-five percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to the use permit criteria set forth in Subsections A, or B, and C, of this Section:

1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;
2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by non-qualifying drivers is assured by appropriate conditions incorporated into the permit;
3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.

B. **Discretionary Reduction of Total Requirements with Shared Parking Area.** For a joint off-street parking area which serves two (2) or more Nonresidential Activities in any zone, or Residential Activities in the CN, C-45, or CBD Zones, and which meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities may be reduced by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.

- C. **Discretionary Waiver or Reduction in Districts Providing Common Parking Areas.** The off-street parking requirements specified above for Nonresidential Activities in any zone, or for Residential Activities in the CN, C-45, or CBD Zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- D. **Each of the following provisions shall apply in the D-BV and D-LM Zones only:**
1. **In-Lieu Fee.** The parking space requirements of this Section for the D-BV and D-LM Zones may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
 4. **Affordable Housing.** Parking requirements applicable to affordable housing for moderate, low, and very low income households, (as defined in California Government Code Section 50052.5 and in Oakland Planning Code Section 17.107.020), shall be one-quarter (1/4) spaces per dwelling unit. In Subsection 17.116.110(A) of this Chapter, Senior Citizen Housing and Dormitories requirements apply but do not require a Conditional Use Permit and the reduced parking requirement is one-quarter (1/4) spaces per dwelling unit.
 5. **Unbundled Parking.** The following rules shall apply to new Multifamily Dwelling Residential Facilities of ten (10) or more units:
 - a. Off-street parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).
 - b. Off-street parking spaces serving affordable units as defined in Section 17.107.020 shall be offered to potential buyers and renters at a price proportional to the sale or rental price of the affordable units as compared to the price proportional to comparable market rate units, except when offered to non-residents pursuant to Subsection (c) below.
 - c. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 days' notice if requested by residents to be made available to them.
 6. **No 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 required parking; or (b) a reduction and/or elimination of any parking spaces serving any activity, or if already less than currently required parking, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a 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 such parking, except as provisions requiring regulatory concessions for certain types of affordable and senior housing projects may apply, as described in Chapter 17.107.

E. Each of the following provisions shall apply in the D-CO Zones only:

1. Unbundled Parking. The following rules shall apply to new Multifamily Dwelling Residential Facilities of ten (10) or more units:

- a. Off-street parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).
- b. Off-street parking spaces serving affordable units as defined in Section 17.107.020 shall be offered to potential buyers and renters at a price proportional to the sale or rental price of the affordable units as compared to the price proportional to comparable market rate units, except when offered to non-residents pursuant to Subsection (c) below.
- c. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 days' notice if requested by residents to be made available to them.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12772 § 1 (part), 2006; prior planning code § 7519)

Article III Off-Street Loading Requirements

17.116.120 Off-street loading—Residential Activities.

17.116.130 Off-street loading—Civic Activities.

17.116.140 Off-street loading—Commercial Activities.

17.116.150 Off-street loading—Industrial Activities.

17.116.160 Off-street loading—Agricultural and Extractive Activities.

17.116.120 Off-street loading—Residential Activities.

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

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Total Floor Area of Facilities Occupied Requirement	Requirement
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

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

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009; prior planning code § 7521)

17.116.130 Off-street loading—Civic Activities.

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

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly, Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*
Each additional 100,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040
C. All other Civic Activities.	No berths required.

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

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009; prior planning code § 7522)

17.116.140 Off-street loading—Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities

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when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Commercial Activity and Total Size of Facilities Occupied	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Consumer Cleaning and Repair Service, Group Assembly, Personal Instruction and Improvement <u>Services</u>, and Small Scale Entertainment Business, Communication, and Media Service, Broadcasting and Recording Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive and Other Light Vehicle Repair and Cleaning, Transport and Warehousing, Animal Care, or Animal Boarding occupying facilities with the following floor area:	
Less than 10,000 square feet.	No berths required.*
10,000—24,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
B. Mechanical or Electronic Games, Medical Service, Consumer Service, Consultative and Financial Service, Administrative, or Transient Habitation, occupying facilities with the following floor area:	
Less than 50,000 square feet.	No berths required.*
50,000—149,999 square feet.	One (1) additional berth.*
150,000—299,999 square feet.	Two (2) One (1) berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	Two (2) berths. One (1) additional berth.*
C. Undertaking Service, occupying facilities with the following floor area:	
Less than 2,500 square feet.	No berths required.*
2,500—24,999 square feet.	One (1) berth.
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

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Commercial Activity and Total Size of Facilities Occupied	Requirement
D. Scrap Operation, occupying facilities with the following amounts of floor area and outdoor storage, processing, or sales area:	
Less than 25,000 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
E. All other Commercial Activities.	No berths required.*

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

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; prior planning code § 7523)

17.116.150 Off-street loading—Industrial Activities.

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

Total Floor Area of Facilities Occupied	Requirement
Less than 10,000 square feet.	No berths required.*
10,000—24,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 170,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

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

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; prior planning code § 7524)

17.116.160 Off-street loading—Agricultural and Extractive Activities.

Off-street loading is not required in any zone for Agricultural or Extractive Activities.

(Prior planning code § 7525)

Article IV Standards for Required Parking and Loading Facilities

17.116.170 Property on which parking and loading must be provided.

17.116.175 Standards and criteria for accessory parking that serves a prohibited activity.

17.116.200 Parking space dimensions.

17.116.210 Driveways and maneuvering aisles for parking.

17.116.240 Tandem spaces and berths.

17.116.250 Maximum backing distance.

17.116.270 Screening and setback of parking and loading areas.

17.116.280 Control on artificial illumination of parking and loading facilities.

17.116.290 Special requirements applying in some zones.

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

17.116.170 Property on which parking and loading must be provided.

- A. **Parking Spaces and Loading.** Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity. Industrial	CN, <u>CC</u> , C-45, <u>CBD</u> , <u>CBD-R</u> , <u>CBD-P</u> , <u>CBD-C</u> , <u>CBD-X</u> , D-CO, <u>D-BV</u> , and D-LM <u>Z</u> ones.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
	Any other zone.	On the same lot as the activity served, but for One and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c): 1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement,

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Required Facility and Activity it Serves	Zone	Location
		or sidewalk;
		2. The parking stalls shall be set back a minimum of five (5) feet from the edge of street pavement including any curbs or sidewalks; and
		3. The parking stalls extending into the street right-of-way shall not constitute more than fifty percent (50%) of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for <u>N</u> onresidential <u>A</u> ctivities in any zone, or for Residential Activities in the D-CO, D-LM, <u>D</u> -BV, CBD, <u>CC</u> , <u>CN</u> , and C-45 <u>Z</u> ones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in Subsection A of this Section for required spaces or berths serving the same activity, except as follows:

1. A required driveway may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.
2. A required maneuvering aisle or portion thereof may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.

17.116.175 Standards and criteria for accessory parking that serves a prohibited activity.

The following regulations shall apply to parking serving principal activities which are not themselves permitted, wherever such parking is listed in the applicable individual zone regulations as permitted or conditionally permitted. Approval of a permit for such accessory parking is subject to the conditions set forth in this Section:

B. Conditions in Residential Zones. In all Residential Zones:

1. Such parking shall not in any case be located farther than one hundred fifty (150) feet, excluding the width of any intervening street, from the nearest boundary of any Nonresidential Zone, as measured perpendicularly from said boundary at any point; and
2. Such parking shall not be so located as to extend along any one side of any street farther into any Residential Zone than any residentially zoned lot which is in separate ownership and which has frontage on the same side of the same street as said parking, other than a lot developed only for parking; and

17.116.200 Parking space dimensions.

(See illustration I-21.) The provisions of this Section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210. Compact and intermediate parking spaces shall count toward the off-street parking requirements only if located on a lot containing a total of three or more required spaces. On such a lot, up to fifty percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five or more parking spaces are required, up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces.

- A. Regular Parking Spaces. A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet (8½) wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. (See Subsection D₁ for exceptions to this two (2) foot requirement). For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.
- B. Intermediate Parking Spaces. An intermediate parking space shall be not less than sixteen and one-half (16½) feet long and eight (8) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. See Subsection D₁ for exceptions to this two (2) foot requirement. For parallel parking, an intermediate parking space shall be not less than twenty and one-half (20½) feet long and seven and one-half (7½) feet wide.

- C. Compact Parking Spaces. A compact parking space shall be not less than fifteen (15) feet long and seven and one-half (7½) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a compact parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. (See Subsection D, for exceptions to this two (2) foot requirement). For parallel parking, a compact parking space shall be not less than nineteen (19) feet long and seven (7) feet wide.

17.116.210 Driveways and maneuvering aisles for parking.

Where necessary, maneuvering aisles and driveways shall be provided of such design and arrangement as to provide adequate ingress to and egress from all required parking spaces. (See also Sections 17.94.070, 17.94.080, 17.116.240, 17.116.250, and 17.116.260.) Except within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.080 shall apply, and for shared access facilities, where the provisions of Section 17.102.090 shall apply, an onsite driveway serving any required off-street parking area shall have a minimum width of nine feet. Driveways serving Residential Facilities with one or two living units on one lot shall be not more than nineteen (19) feet in width with a curb cut no more than nineteen (19) feet in width, and shall be limited to one driveway and one driveway curb cut per lot frontage. Driveways serving one lot or serving any of several adjacent lots under the same ownership shall be separated edge-to-edge by at least twenty-five (25) feet; where curbs exist, the separation shall be by at least twenty-five (25) feet of full vertical curb. Driveways serving adjacent lots under different ownership shall be separated edge-to-edge by at least ten (10) feet; where curbs exist, the separation shall be by at least ten feet of full vertical curb.

- A. Maneuvering Aisle Width. Except for activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.070 shall apply, maneuvering aisles necessary for access into and out of required parking spaces shall have the following minimum widths, whether serving regular, intermediate, or compact parking spaces:

17.116.240 Tandem spaces and berths.

(See illustration I-21.) A vehicle shall not have to cross another loading berth, or a parking space, in order to gain access to any required loading berth. On any lot containing three (3) or more required off-street parking spaces, or containing required spaces for two (2) or more residential living units, a vehicle shall not have to cross another parking space, or a loading berth, in order to gain access to a required parking space, except that:

- A. In the S-11 Zone, with the provision of three (3) or more required parking spaces for a given dwelling unit, at least fifty percent (50%) of the vehicles shall not have to cross another parking space in order to gain access to a required parking space.
- B. In the S-12 Zone, tandem parking may be permitted for One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, and Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060.
- C. In any Zone, ~~the RH, RD, RM-1, and RM-2 zones, except in the West Oakland Specific Plan Area as indicated in Subsection D or except~~ when combined with the S-11 or S-12 Zones, tandem parking may be permitted for one (1) of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the

floor area of the Secondary Unit does not exceed the maximum allowed in Section 17.103.080, five hundred (500) square feet.

~~D. In the West Oakland Specific Plan Area, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed the maximum allowed in Section 17.103.080.~~

DE. In any Zzone, tandem parking may be permitted for Nonresidential Aactivities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;
2. That there are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

F. Tandem parking spaces may be provided for Residential Care Residential Activities pursuant to the provisions of Section 17.116.060B.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12501 § 79, 2003; Ord. 12199 § 8 (part), 2000; Ord. 12138 § 4 (part), 1999; prior planning code § 7543)

17.116.250 Maximum backing distance.

All required off-street parking facilities which are located on any lot containing three or more required parking spaces or containing required spaces for two (2) or more Residential living units, and all required off-street loading facilities on any lot, shall be so designed and located that a vehicle need not back up from any such required parking space or loading berth for a distance greater than one hundred (100) feet in order to reach a street. The one hundred (100) feet shall be measured from the back of the furthest required parking space to the back of the sidewalk or, if there is no sidewalk, to the edge of pavement or face of curb, whichever is applicable.

(Ord. 12376 § 3 (part), 2001; prior planning code § 7544)

17.116.270 Screening and setback of parking and loading areas.

A. In all Residential Zones and in the or-S-1, S-2, S-3, and or-OS Zones. In all Residential Zzones and in the S-1, S-2, S-3 and OS Zzones, all open off-street parking areas on any lot containing three (3) or more spaces, and all open off-street loading areas on any lot, shall be screened from abutting lots, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170(B)(2), by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide or by a solid lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said Chapter. All such areas shall be screened from all abutting streets, alleys, and paths, and private streets and other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening and the

exceptions stated therein. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley, except as allowed by Section 17.116.170

17.116.280 Control on artificial illumination of parking and loading facilities.

In all Residential Zones and in the S-1, S-2, S-3, and OS Zones, artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street loading areas on any lot, and of driveways related thereto, shall be nonflashing and shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare. In Commercial and Industrial Zones, artificial illumination of off-street parking and loading facilities shall be controlled when and as specified in Section 17.110.030 of the buffering regulations.

(Ord. 12078 § 5 (part), 1998; prior planning code § 7548)

17.116.290 Special requirements applying in some zones.

- A. Whenever required off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a conditional use permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for required parking and loading.
- B. In the S-15 and D-CO-1 Zones:
 - 1. Location of Parking. All off-street parking may be provided anywhere on the lot, or on a separate lot which is not in common ownership with the subject lot, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.
 - 2. Parking Serving Nonresidential Uses. Off-street parking serving nonresidential uses may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.
 - 3. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and Section 17.100.100.
 - 4. Provisions for Shared Parking. Off-street parking may be shared amongst daytime activities between the hours of business operation and between the hours of nighttime activities. The number of required parking spaces for daytime use may be transferable to required parking or nighttime use, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.
 - 5. Exceptions to Parking Requirement. The number of parking spaces provided may exceed the number required upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134.
- C. In the RU-4, RU-5, CN, CC, CR, CBD, D-CO-1, or S-15 Zones, the required number of parking spaces may be reduced by up to fifty percent (50%) upon the granting of a conditional use permit (see Chapter 17.134). The conditional use permit 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 the following additional criteria: ~~criterion~~:

1. The Planning Director has determined that there will not be a significant parking impact on the surrounding neighborhood through a combination of a parking demand management plan, transit availability, and other factors.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 11892 § 18, 1996: prior planning code § 7549)

17.116.300 Parking accommodation requirements for One- and Two-Ffamily Residential Facilities.

The provisions of this Section apply to lots containing One-Family Dwelling Residential Facilities, One-Family Dwelling Residential Facilities with Secondary Unit Residential Facilities, and Two-Family Dwelling Residential Facilities. Exceptions to the provisions of this Section may be approved pursuant to the regular design review procedure in Chapter 17.136.

- A. Required Garage, Carport or Uncovered Parking Location to the Side or Rear of a Residence in Certain Cases. Garages, carports or any uncovered required parking spaces shall be located to the rear or side of any primary Residential Facility and at a minimum of twenty-five (25) feet from the front lot line if:

The immediate context shall consist of the five closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any required garage, carport, or uncovered parking space. Lots with a front lot line width of less than thirty-five (35) feet are exempt from this Subsection if the garage, carport or uncovered parking space dimensions facing the front lot line equal less than fifty (50) percent of the building elevation facing the front lot line.

- B. Garage or Carport Recessed from Front of Residence in Certain Cases. When an attached or detached garage or carport is not subject to Subsection A. of this Section and is located on lots with a street-to-setback gradient of twenty percent (20%) or less and where the face of the primary Residential Facility, including projections at least eight (8) feet in height and five (5) feet in width, such as covered porches and bay windows, is within twenty-five (25) feet of the front lot line, at least one of the following requirements shall apply:
 1. The front of the garage or carport shall be set back a minimum of five (5) feet from such face; or
 2. If the garage or carport is located below living space, either:
 - a. The front of the garage or carport shall be set back at least eighteen (18) inches from the upper level living space; or
 - b. The garage door shall be recessed at least six (6) inches from the surrounding exterior wall surfaces.

Chapter 17.117 BICYCLE PARKING REQUIREMENTS

Sections:

Article I. - General Provisions

Article II. - Standards for Required Bicycle Parking

Article III. - Minimum Number of Required Bicycle Parking Spaces

Article I. General Provisions

17.117.010 Title, purpose, and applicability.

17.117.040 Determination by Director of City Planning.

17.117.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Bbicycle Parking Rquirements. The purpose of these regulations is to require secure and adequate long term and short term parking for bicycles, thereby promoting alternative transportation, providing additional, more sustainable transportation choices for residents and commuters, and reducing traffic congestion and air pollution. Except as may otherwise be specified in Chapter 17.101E for the D-CE Zones, these requirements shall apply to the indicated activities as specified hereinafter. See Chapter 17.101E Central Estuary District Zones Regulations for bicycle parking regulations specific to Boat and Marine-Related Sales, Rental, Repair and Servicing for the D-CE Central Estuary District Zones.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. 12884 § 2 (part), 2008)

17.117.040 Determination by Director of City Planning.

In the case of activities for which the Director of City Planning is required to prescribe a number of bicycle parking spaces or for which this Chapter is not clear or does not prescribe a number of spaces, the Director of City Planning shall base his or her written determination on the number of employees, residents or customers and the nature of operations conducted on the site. Any such written determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

(Ord. 12884 § 2 (part), 2008)

Article II. Standards for Required Bicycle Parking

17.117.070 Location and design of required bicycle parking.

17.117.070 Location and design of required bicycle parking.

Required bicycle parking shall be placed on site(s) as set forth below:

D. Bicycle parking facilities are subject to the following standards:

1. Racks shall be located with at least thirty (30) inches in all directions from any vertical obstruction, including but not limited to, other racks, walls, and landscaping. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, and Large-Scale Combined Retail and Grocery Sales Activities are encouraged to locate racks with a thirty-six (36) inch clearance in all directions from any vertical obstruction, including but not limited to, other racks, walls, and landscaping.
2. A minimum four (4) foot wide aisle of unobstructed space behind all required bicycle parking shall be provided to allow for adequate bicycle maneuvering.
- I. Discretionary Waiver. The long-term bicycle parking location requirement of five hundred (500) feet may be waived in writing by the Director of City Planning when said activities are located within one thousand (1,000) feet of a proposed or existing bike station or similar high-capacity bicycle parking facility. Any determination on such waiver shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

Article III. Minimum Number of Required Bicycle Parking Spaces

17.117.090 Required bicycle parking—Residential Aactivities.

17.117.100 Required bicycle parking—Civic Aactivities.

17.117.110 Required bicycle parking—Commercial Aactivities.

17.117.120 Required bicycle parking—Industrial and all other Aactivities.

17.117.130 Required shower and locker facilities.

17.117.150 Automobile parking credit.

17.117.090 Required bicycle parking—Residential Aactivities.

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

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Permanent and Semi-Transient Residential Activities occupying the specified facilities:		
1) One-Family Dwelling.	No spaces required.	No spaces required.
2) One-Family Dwelling with	No spaces required.	No spaces required.

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Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Secondary Unit.		
3) Two-Family Dwelling.	No spaces required.	No spaces required.
4) Multifamily Dwelling.		
a) With private garage for each unit.	No spaces required.	1 space for each 20 dwelling units. For D-BV Zzones, 1 space for each 15 dwelling units. Minimum citywide requirement is 2 spaces.
b) Without private garage for each unit.	1 space for each 4 dwelling units. For D-BV Zzones, 1 space for each 2 dwelling units. Minimum citywide requirement is 2 spaces.	1 space for each 20 dwelling units. For D-BV Zzones, 1 space for each 15 dwelling units. Minimum citywide requirement is 2 spaces.
c) Senior Housing.	1 space for each 10 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
5) Rooming House.	1 space for each 8 residents. Minimum requirement is 2 spaces.	No spaces required.
6) Mobile Home.	1 per 20 units.	No spaces required.
Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities occupying the specified facilities:		
7) Residential Care.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
8) Service-Enriched Permanent Housing.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
9) Transitional Housing.	1 space for each 8 residents. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
810) Emergency Shelter Residential.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.

17.117.100 Required bicycle parking—Civic Activities.

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

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Civic Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
1) Essential Service.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040
2) Limited Childcare.		
3) Community Assembly.		
a) Churches, temples, and synagogues.	1 space for each 40 fixed seats, or one space for each 4,000 square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 40 fixed seats, or one space for each 2,000 square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.
b) Other.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040
4) Non-Assembly Cultural.	1 space for each 20 employees. Minimum requirement is 2 spaces.	Spaces for 2% of maximum expected daily attendance.
5) Administrative.	1 space for each 20 employees. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
6) Health Care.	1 space for each 20 employees; or one space for each 70,000 square feet of floor area, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.
7) Special Health Care.		
8) Utility and Vehicular.		
a) Communications equipment installations and exchanges, electrical substations, emergency hospitals operated by a public agency, gas substations, neighborhood newscarrier distribution centers.	No spaces required.	No spaces required.
b) Fire Stations and Police Stations.	1 space for each 10 employees. Minimum requirement is 2 spaces	6 spaces.
c) Post offices, excluding major mail-processing centers.		

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Civic Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
d) Publicly operated off-street parking lots and garages available to the general public either without charge or on a fee basis.	No spaces required.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted).
9) Community Education.		
a) Public, parochial, and private day-care centers for fifteen (15) or more children.	1 space for each 10 employees. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
b) Public, parochial, and private nursery schools, and kindergartens.	1 space for each 10 employees. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
c) Public parochial and private elementary, junior high and high schools.	1 space for each 10 employees plus 1 space for each 20 students of planned capacity. Minimum requirement is 2 spaces.	1 space per each 20 students of planned capacity. Minimum requirement is 2 spaces.
10) Extensive impact.		
a) Colleges and universities.	1 space for each 10 employees plus 1 space for each 10 students of planned capacity; or 1 space for each 20,000 square feet of floor area, whichever is greater.	1 space for each 10 students of planned capacity.
b) Railroad and bus terminals.	Spaces for 3.5% of projected maximum daily ridership.	Spaces for 1.5% of projected maximum daily ridership.
c) Other.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040

17.117.110 Required bicycle parking—Commercial Activities.

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

Commercial Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Retail		

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Commercial Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
1. General Food Sales.	1 space for each 12,000 square feet of floor area.	1 space for each 2,000 square feet of floor area. Minimum requirement is 2 spaces.
2. Full Service Restaurant		
3. Limited Service Restaurant and Cafe		
	For D-BV <u>Z</u> ones, 1 space for each 8,000 square feet of floor area. Minimum citywide requirement is 2 spaces.	
4. Fast-Food Restaurant.	1 space for each 12,000 square feet of floor area.	1 space for each 5,000 square feet of floor area.
5. Convenience Market		
6. Alcoholic Beverage Sales.	For D-BV <u>Z</u> ones, 1 space for each 8,000 square feet of floor area. Minimum citywide requirement is 2 spaces.	For D-BV <u>Z</u> ones, 1 space for each 3,000 square feet of floor area. Minimum citywide requirement is 2 spaces.
7. Mechanical or Electronic Games.		
8. General Retail Sales.		
9. Large-scale combined retail and grocery sales.		
10. Consumer Service.		
11. Consumer Cleaning and Repair Service.		
12. Consumer Dry Cleaning Plant.		
13. Check Cashier and Check Cashing.		
14. General Wholesale Sales.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
15. Building Material Sales.		
Office		
1. Consultative and Financial Service.	1 space for each 10,000 square feet of floor area.	1 space for each 20,000 square feet of floor area.
2. Administrative Commercial.	For D-BV <u>Z</u> ones, 1 space for each 8,000 square feet of floor area. Minimum citywide requirement is 2 spaces.	For D-BV <u>Z</u> ones, 1 space for each 15,000 square feet of floor area. Minimum citywide requirement is 2 spaces.
3. Business, Communication, and Media Service.		
4. Broadcasting and Recording Service.		
Medical		
1. Medical Service.	1 space for each 12,000 square	1 space for each 5,000 square feet

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Commercial Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
2. Animal Care.	feet of floor area. Minimum requirement is 2 spaces.	of floor area. Minimum requirement is 2 spaces.
Auto Related		
1. Automobile and Other Light Vehicle Sales and Rental.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
2. Automobile and Other Light Vehicle Gas Station and Servicing.	1 space for each 20 employees. Minimum requirement is 2 spaces.	No spaces required.
3. Automotive Repair and Cleaning.		
Other Commercial		
1. Group Assembly.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040
2. Personal Instruction and Improvement <u>Services</u> , and <u>Small Scale Entertainment</u>	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040
3. Research Service.	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.
4. Transient Habitation.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.
5. Automotive Fee Parking.	1 space for each 20 automobile spaces. Minimum requirement is 2 spaces.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted)
6. Undertaking Service.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	2 spaces.
7. Animal Boarding.		

17.117.120 Required bicycle parking—~~I~~Industrial and all other Aactivities.

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

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Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Industrial		
1. Custom Manufacturing.	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
2. Light Manufacturing.		
3. General Manufacturing.		
4. Heavy High/Impact Manufacturing.		
5. Research and Development	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
6. Construction Operations	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
7. Warehousing, Storage and Distribution.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. General Warehousing, Storage and Distribution		
B. General Outdoor Storage		
C. Self- or Mini-Storage		
D. Container Storage		
E. Automobile Salvage/Junk Yards		
8. Regional Freight Transportation.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. Seaport		
B. Rail yard		
9. Trucking and Truck-Related.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. Freight/Truck Terminal		
B. Truck Yard		
C. Truck Weigh Stations		
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing		
E. Truck and Other Heavy Vehicle Service, Repair and Refueling		

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Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
10. Recycling and Waste-Related:	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. Satellite Recycling Collection Centers		
B. Primary Recycling Collection Centers		
C. Intermediate Recycling Processing Facility		
11. Hazardous Material Production, Storage and Waste Management-Related:-	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. Small Scale Transfer and Storage Hazardous Waste Management		
B. Industrial Transfer/Storage Hazardous Waste Management		
C. Residual Repositories Hazardous Waste Management		
D. Oil and Gas Storage		
Agricultural and Extractive		
1. Plant Nursery, Agricultural	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040
2. Limited Agriculture, Crop and Animal Raising <u>Agricultural</u>	No spaces required.	No spaces required.
3. <u>Extensive Agriculture.</u>		
43. Mining and Quarrying Extractive.		

17.117.130 Required shower and locker facilities.

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of shower facilities and lockers are required per gender for the specified activities and shall be developed and maintained pursuant to the provisions of Article II of this Chapter:

Type of Activity	Shower Requirement (per gender)	Locker Requirement
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Residential	None required	None required
Civic	None required	None required
Commercial: Less than 150,000 s.f. of floor area	None required	None required
Commercial: 150,000 s.f. of floor area or greater	A minimum of two showers per gender plus one shower per gender for each 150,000 s.f. above 150,000 s.f.	Four lockers per shower
Industrial	None required	None required
Agricultural and Extractive	None required	None required

(Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12884 § 2 (part), 2008)

17.117.150 Automobile parking credit.

The total number of required off-street automobile parking spaces may be reduced at the ratio of one automobile space for each six (6) bicycle spaces provided in excess of the requirements in this Chapter. The bicycle parking provided for this automobile parking credit shall include both long-term and short-term bicycle parking in proportion to the minimum long-term and short-term requirements for the given project. The total number of required off-street automobile parking spaces cannot be reduced by more than five percent (5%).

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12884 § 2 (part), 2008)

Chapter 17.118 RECYCLING SPACE ALLOCATION REQUIREMENTS

Sections:

- 17.118.010 Title, purpose, and applicability.
- 17.118.020 Affected projects.
- 17.118.030 Recycling space allocation requirements.
- 17.118.040 Review procedures.

17.118.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Recycling Space Allocation Requirements. The purpose of these provisions is to prescribe standards by which to ensure consistency with the requirements of Chapter 18 of Division 30 of the Public Resources Code, commencing with Section 42900, known as the California Solid Waste Reuse and Recycling Access Act of 1991, and to ensure the provision of adequate, accessible, and convenient locations for the collection and storage of recyclable materials within containers and enclosures which are compatible with surrounding land uses and structures. These standards shall apply to certain affected development projects as specified in Section 17.118.020.

(Ord. 11807 § 1 (part), 1995: prior planning code § 7600)

Chapter 17.120 PERFORMANCE STANDARDS**Sections:**

- 17.120.010 Title, purpose, and applicability.
- 17.120.020 Existing activities.
- 17.120.030 Proof of compliance.
- 17.120.040 Measurements.
- 17.120.050 Noise.
- 17.120.060 Vibration.
- 17.120.070 Smoke.
- 17.120.080 Particulate matter and air contaminants.
- 17.120.090 Odor.
- 17.120.110 Humidity, heat, cold, and glare.
- 17.120.120 Electrical disturbance.

17.120.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Performance Standards. The purpose of these standards is to control dangerous or objectionable environmental effects of all activities. These standards shall apply to the indicated activities in the zones and situations specified herein.

(Ord. 11895 § 6, 1996; prior planning code § 7700)

17.120.050 Noise.

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in Subsection A, B, or C, as modified where applicable by the adjustments indicated in Subsection D or E. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

- A. Residential Zone Noise Level Standards. The maximum allowable noise levels received by any Residential Zone are described in Table 17.120.01.

Table 17.120.01 establishes the maximum allowable receiving noise levels:

TABLE 17.120.01**MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC**

Cumulative Number of Minutes in Either the Daytime or Night time One Hour Time Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45

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10	65	50
5	70	55
1	75	60
0	80	65

- B. Commercial Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Commercial Zone (including the Housing and Business Mix HBX Zones, and the Central Estuary District D-CE-3 and D-CE-4 Zones) are described in Table 17.120.02.

Table 17.120.02 establishes the maximum allowable receiving noise levels:

TABLE 17.120.02

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS

Cumulative Number of Minutes in Either the Daytime or Nighttime One Hour Time Period	Anytime
20	65
10	70
5	75
1	80
0	85

- C. Industrial, Agricultural and Extractive Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Industrial Zone are described in Table 17.120.03.

Table 17.120.03 establishes the maximum allowable receiving noise levels:

TABLE 17.120.03

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

Cumulative Number of Minutes in Any One Hour Time Period	Anytime
20	70
10	75
5	80
1	85
0	90

- E. Each of the noise level standards specified above in Subsections A., B., and C. shall be reduced by five dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.

G. Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.

1. The daytime noise level received by any Residential, Commercial, or Industrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten (10) days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten (10) days or more) shall not exceed the maximum allowable receiving noise levels described in Table 17.120.04.

Table 17.120.04 establishes the maximum allowable receiving noise levels:

**TABLE 17.120.04
MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA**

	Daily 7 a.m. to 7 p.m.	Weekends 9 a.m. to 8 p.m.
Short-Term Operation		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation		
Residential	65	55
Commercial, Industrial	70	60

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven (7) p.m. and seven (7) a.m. or between eight (8) p.m. and nine (9) a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this Section.
- H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA, with the exception that systems installed prior to the effective date of this Section shall not exceed fifty-five (55) dBA.
- I. Commercial Refrigeration Units. Stationary and mobile commercial refrigeration units shall not produce a noise level greater than the noise level standards set forth in this Section. Between the hours of ten (10) p.m. and seven (7) a.m., a mobile refrigeration unit shall not be located within two hundred (200) feet of any Residential Zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.
- J. Commercial Exhaust Systems. Unnecessary noise caused by exhaust from ventilation units, or other air control device shall not produce a noise level greater than the noise level standards set forth in this Section between the hours of ten p.m. and seven a.m. and shall not be located within two hundred (200) feet of any Residential Zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

Chapter 17.124 LANDSCAPING AND SCREENING STANDARDS

Sections:

17.124.010 Title, purpose, and applicability.

17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.

17.124.025 Required landscape plan for new Nonresidential Facilities and certain additions to Nonresidential Facilities.

17.124.030 Residential landscape requirements for street frontages.

17.124.045 Trash and Utility Screening.

17.124.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Standards for Required Landscaping and Screening. The purpose of these provisions is to prescribe standards for development and maintenance of planting, fences, and walls, for the conservation and protection of property through provision of barriers against traffic, trespass, noise, heat, glare, and dust, and through improvement of the appearance of individual properties, neighborhoods, and the City. These standards shall apply to all landscaping and screening required by this Chapter and other provisions of the zoning regulations.

17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit, excluding Secondary Units of five hundred (500) square feet or less, and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces and the following:

17.124.025 Required landscape plan for new Nonresidential Facilities and certain additions to Nonresidential Facilities.

Submittal and approval of a landscape plan for the entire site and street frontage is required for the establishment of a new Nonresidential Facility and for additions to Nonresidential Facilities of over one thousand (1,000) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces and the standards for required landscaping and screening, including the following:

- A. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, ~~six (6) feet~~, street trees shall be provided to the satisfaction of the Director of City Planning, as provided in Section 17.124.110. Proposed street trees shall be selected from the City's Frequently Planted Tree Species List. Alternative species may be approved by the Director of City

Planning. Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants.

17.124.030 Residential landscape requirements for street frontages.

All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.

- A. In addition to the general landscaping requirements set forth above, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, ~~six (6) feet~~, the trees to be provided shall include street trees to the satisfaction of the Director of City Planning. Proposed street trees shall be selected from the City's Frequently Planted Tree Species List, as provided in Section 17.124.110. Alternative species may be approved by the Director of City Planning. Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants.

17.124.045 Trash and Utility Screening.

- A. Screening of Utility Meters. All utility meters shall ~~either be located~~ either within a box set within a building, located on a non-street facing elevation, or screened with vegetation.
- B. Screening of Trash Containers. All trash containers shall be located in a storage area that is screened from the street and adjacent properties by a wall, fence, or dense landscaping with a minimum height of four (4) feet.

Chapter 17.126 USABLE OPEN SPACE STANDARDS

Sections:

- 17.126.010 Title, purpose, and applicability.
- 17.126.020 Substitution of private space for group space.
- 17.126.030 Group usable open space.
- 17.126.040 Private usable open space.
- 17.126.050 Plazas for Nonresidential Facilities.

17.126.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Standards for Required Usable Open Space. The purpose of these provisions is to prescribe standards for the development and maintenance of open areas which serve the need for leisure, recreation, and space. These standards shall apply to all usable open space required by other provisions of the zoning regulations, except within the S-17 Downtown Residential Open Space Combining Zone.

(Ord. 12343 § 3, 2001: prior planning code § 8300)

17.126.020 Substitution of private space for group space.

Each one (1) square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two (2) square feet of required group usable open space and may be so substituted, subject to any minimum requirements for actual group space prescribed in the applicable individual zone regulations.

(Prior planning code § 8301)

17.126.030 Group usable open space.

All required group usable open space shall be permanently maintained, shall be located on the same lot as the living units it serves, and shall conform to the following standards:

- A. **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 wherever necessary for space on a roof, but shall not be more than the minimum height required by the Oakland Building Code.
- F. **Enclosure.** Ground-level space shall be screened from abutting lots, streets, alleys, and paths, and abutting private ways described in Section 17.106.020, by a building wall, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said

Cehapter. Fences and walls shall not be so constructed as to interfere with the access required by applicable fire prevention regulations.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 11892 § 20, 1996; prior planning code § 8310)

17.126.040 Private usable open space.

All required private usable open space shall be permanently maintained; shall be located, except as otherwise provided in Subsection B₂ of this Section, on the same lot as the living unit it serves; and shall conform to the following standards:

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; prior planning code § 8320)

17.126.050 Plazas for Nonresidential Facilities.

Every plaza required for Nonresidential Facilities shall be permanently maintained, shall be located on the same lot as the facilities for which it is provided, and shall conform to the following standards:

- A. **Usability.** The plaza shall have an appropriate dust-free surface, and shall be suitable for walking, sitting, and similar activities. Off-street parking and loading areas, driveways, and service areas shall not be counted as plazas. At least twenty-five percent (25%) of the plaza area shall be occupied by planting, sculpture, pools, or similar features.

Chapter 17.128 TELECOMMUNICATIONS REGULATIONS

Sections:

- 17.128.010 Title, purpose, and applicability.
- 17.128.025 Restrictions on Telecommunications Facilities.
- 17.128.050 Micro Telecommunications Facilities.
- 17.128.060 Mini Telecommunications Facilities.
- 17.128.070 Macro Telecommunications Facilities.
- 17.128.080 Monopole Telecommunications Facilities.
- 17.128.090 Tower Telecommunications Facilities.
- 17.128.100 Regulations apply to parks and other similar open spaces.
- 17.128.110 Site location preferences.
- 17.128.120 Site design preferences.
- 17.128.130 Radio frequency emissions standards.

17.128.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Telecommunications Regulations. The purpose and intent of these regulations are to provide a uniform and comprehensive set of standards for the development, location, siting and installation of wireless facilities. These regulations are intended to balance the needs of wireless communications providers, the regulatory functions of the City of Oakland, the mandates of State and Federal law and the potential impacts on the community and neighboring property owners in the design and siting of wireless facilities. The regulations are designed to promote and protect the public health, safety and welfare and the visual quality of the City of Oakland while encouraging the appropriate development of telecommunications activities throughout the city. These regulations shall apply to telecommunications projects.

(Ord. 12768 § 3 (part), 2006; Ord. 11904 § 5.01 (part), 1996; prior planning code § 8500)

17.128.025 Restrictions on Telecommunications Facilities.

- A. Any Telecommunications Facility shall not be permitted in, or within one hundred (100) feet of the boundary of, any Residential Zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- B. Any Monopole Telecommunications Facilities shall not be permitted in, or within three hundred (300) feet of the boundary of, any Residential Zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- C. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of

Residential Zones RH-1 through RU-1 inclusive, any HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13060, § 2(Exh. A), 3-1-2011)

17.128.050 Micro Telecommunications Facilities.

- A. General Development Standards for Micro Telecommunications Facilities.
- B. Design Review Criteria for Micro Telecommunications Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
- C. Conditional Use Permit Criteria for Micro Telecommunications Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
 - 2. The project must meet the special design review criteria listed in Subsection B₂ of this Section.

(Ord. 12872 § 4 (part), 2008; Ord. 12768 § 3 (part), 2006; Ord. 11904 § 5.01 (part), 1996; prior planning code § 8505)

17.128.060 Mini Telecommunications Facilities.

- A. General Development Standards for Mini Telecommunications Facilities.
- B. Design Review Criteria for Mini Telecommunications Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
- C. Conditional Use Permit Criteria for Mini Telecommunications Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
 - 1. The project must meet the special design review criteria listed in Subsection B₂ of this Section.

17.128.070 Macro Telecommunications Facilities.

- A. General Development Standards for Macro Telecommunications Facilities.
- B. Design Review Criteria for Macro Telecommunications Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
- C. Conditional Use Permit Criteria for Macro Telecommunications Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
 - 1. The project must meet the special design review criteria listed in Subsection B₂ of this Section.

(Ord. 12768 § 3 (part), 2006; Ord. 11904 § 5.01 (part), 1996; prior planning code § 8507)

17.128.080 Monopole Telecommunications Facilities.

A. General Development Standards for Monopole Telecommunications Facilities.

3. When a monopole is in a Residential Zzone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.

B. Design Review Criteria for Monopole Telecommunications Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:

C. Conditional Use Permit Criteria for Monopole Telecommunications Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:

1. The project must meet the special design review criteria listed in Subsection B₂ of this Section.

17.128.090 Tower Telecommunications Facilities.

A. General Development Standards for Tower Telecommunications Facilities.

B. Design Review Criteria for Tower Telecommunications Facilities. In addition to the design review criteria listed in, the following specific additional criteria must be met when design review is required before an application can be granted:

17.128.100 Regulations apply to parks and other similar open spaces.

Telecommunications Facilities proposed in parks and other similar open spaces land shall be subject to the same regulations as set forth in the nearest Residential Zzone.

17.128.110 Site location preferences.

New wireless facilities shall generally be located on the following properties or facilities in order of preference:

- A. Co-located on an existing structure or facility with existing wireless antennas.
- B. City-owned properties or other public or quasi-public facilities.
- C. Existing commercial or industrial structures in non-Residential Zzones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- D. Existing commercial or industrial structures in Residential Zzones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- E. Other non-residential uses in Residential Zzones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- F. Residential uses in non-Residential Zzones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- G. Residential uses in Residential Zzones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.

Chapter 17.130 ADMINISTRATIVE PROCEDURES GENERALLY

Sections:

17.130.010 Title, purpose, and applicability.

17.130.040 Procedure for resolving tie votes.

17.130.050 Presentation and submittal of issues and/or evidence.

17.130.060 Obligation of applicant to defend, indemnify, and hold harmless the City of Oakland.

17.130.070 Uniformly applied development standards automatically imposed as standard conditions of approval for development projects.

17.130.080 City Council consideration of legislative and adjudicatory actions.

17.130.090 Minor land use permits considered concurrently with Major permits.

17.130.100 Inactive Planning Applications.

17.130.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the General Regulations. The purpose of these provisions is to set forth certain regulations that may or shall, depending on the situation, apply to all provisions of procedures and administration (Chapters 17.130 through 17.148).

(Prior planning code § 9000)

17.130.040 Procedure for resolving tie votes.

- A. Planning Commission is Final Decision-making Body. If, in a matter that is appealable to the Planning Commission or to the Commission's Residential Appeals Committee and in which the Commission or Committee is the final decision-making body, and is unable to reach an affirmative decision to approve or deny an application, the initial decision by the Planning Director shall stand as a final decision if the Commission or Committee is unable to reach a decision the second time the matter appears on the Commission's or Committee's agenda and votes are taken.
- B. City Council is Final Decision-making Body. If, in the matter that is appealable to the City Council, the Planning Commission or the Commission's Residential Appeals Committee is unable to reach an affirmative decision to approve or deny an application, the matter Chair of the Commission, in his or her discretion, shall automatically be forwarded to the City Council if the Commission or Committee is unable to reach a decision the second time the matter appears on the Commission's or Committee's agenda and votes are taken, or if the application would otherwise be automatically Deemed Approved and the applicant has not agreed to waive any Deemed Approved provisions. either:
 1. ~~Forward the matter to the City Council if the Chair determines that the Commission or Committee is deadlocked or if the application would otherwise be automatically Deemed Approved and the applicant has not agreed to waive the state or local Deemed Approved provisions; or~~

2. ~~Request further votes on the matter at this meeting or at subsequent meetings, provided however that the Commission or Committee may not continue the matter if it would result in the application being Deemed Approved.~~

A tie vote that is forwarded to the City Council, for the Council's decision, shall be considered a decision for purposes of any ~~state or local~~ Deemed Approved provisions, such that the application shall not be automatically Deemed Approved and any agreement between the Planning Director, Commission or Committee and the applicant extending the time of such automatic Deemed Approved shall include a statement to this effect.

(Ord. 12376 § 3 (part), 2001; Ord. 11741 § 2, 1994; prior planning code § 9003)

17.130.060 Obligation of applicant to defend, indemnify, and hold harmless the City of Oakland.

- B. Within ten (10) calendar days of the filing of any Action as specified in Subsection A, above, the applicant shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006)

17.130.070 Uniformly applied development standards automatically imposed as standard conditions of approval for development projects.

A development application must comply with all current and applicable City of Oakland uniformly applied development standards, typically imposed as Standard Conditions of Approval, including those development applications "deemed approved" under the State Permit Streamlining Act (Government Code section 65920 et. seq., as it may be amended).

(Ord. 12899 § 4, Exh. A (part), 2008)

17.130.080 City Council consideration of legislative and adjudicatory actions.

When a development application requires both legislative and adjudicatory actions, the entire application shall be considered by the City Council for final action. The City Council has the authority to consider and revise as appropriate (accept, reject, or modify) the adjudicatory land use recommendations ~~decisions~~ of the Planning Commission, regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use recommendations. ~~decisions.~~

However, if the City Planning Commission has not forwarded a recommendation/finding to the City Council within a reasonable time after receiving a final Planning Staff recommendation, the City Council body may, by written notice, require the City Planning Commission to render its written report within forty (40) days. Upon receipt of the written notice, the City Planning Commission, if it has not already done so, shall conduct a public hearing. Failure to report to the City Council within the above time period shall be deemed to be approval of the recommendation/finding and such shall be automatically be forwarded to the City Council for its consideration and final decision.

(Ord. 12899 § 4, Exh. A (part), 2008)

17.130.090 Minor land use permits considered concurrently with Major permits.

- A. Any Minor land use-related permit and/or approval that is related to a development application that also includes any Major land use-related permit and/or approval shall be considered concurrently with the Major land use-related permit and/or approval, and shall follow all procedural requirements associated with City Planning Commission decisions. In this case, the entire application shall initially be considered by the City Planning Commission and may be appealed to the City Council, in accordance with the requirements for Major land use-related permit and/or approval or discretionary actions.
- B. Any Minor land use-related permit referred to the City Planning Commission for initial decision in order to be considered concurrently with any Major land use-related permit and/or approval shall still be considered a Minor land use-related permit and/or approval, and the required findings for said Minor land use-related permit and/or approval shall apply.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.130.100 Inactive Planning Applications.

Any Planning application which has been incomplete or put on hold by the applicant for six (6) months or more shall be considered inactive. Upon written notification by the Planning Director of such status, the applicant shall bring the application to complete or active status within sixty (60) days. If the application has not achieved complete or active status to the satisfaction of the Planning Director within this sixty (60) day period, the application shall be considered withdrawn.

Chapter 17.131 REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

Sections:

17.131.010 Title, purpose, and applicability.

17.131.040 Review procedures.

17.131.010 Title, purpose and applicability.

- A. Title and Intent. The provisions of this Chapter shall be known as the Reasonable Accommodations Policy and Procedure Regulations. The intent of the Reasonable Accommodations Policy and Procedure regulations is to provide flexibility in the application of the Planning Code for individuals with a disability, when flexibility is necessary to eliminate barriers to housing opportunities. This Chapter will facilitate compliance with federal and state fair housing laws, and promote housing opportunities for residents of Oakland.

17.131.040 Review procedures.

B. Types of Requests

1. "Category A" Requests

Requests for accommodation from development regulations not specified as a "Category B" request (see item 2 below), including but not limited to, setbacks, building height limits and parking regulations in the Planning Code, or for any additions to Residential Facilities which meet the definition of a "Small Project," as defined in Section 17.136.030(B), shall be considered "Category A" requests.

2. "Category B" Requests

Requests for accommodation from residential density regulations in the Planning Code; distance separation requirements in the Planning Code; land use activities not permitted by the Planning Code; any additions to Residential Facilities which meet the definition of "Regular design review" as defined in Section 17.136.040(A); and any other accommodations request, under the discretion of the Planning Director, shall be considered "Category B" requests.

None of the findings of this Section are intended to supersede any other findings which might also be required for a discretionary permit that is reviewed concurrently with the request for accommodation (see Section 17.131.030 (D)).

Chapter 17.132 ADMINISTRATIVE APPEAL PROCEDURE**Sections:**

17.132.010 Title, purpose, and applicability.

17.132.020 Appeal.

17.132.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Administrative Appeal Procedure. The purpose of these provisions is to prescribe the procedure by which an appeal may be taken to the City Planning Commission or, if applicable, to the Commission's Residential Appeals Committee from any determination or interpretation made by the Director of City Planning under the zoning regulations. This procedure shall apply to all appeals from such determinations and interpretations.

(Ord. 12376 § 3 (part), 2001: prior planning code § 9100)

17.132.020 Appeal.

Within ten (10) calendar days after the date of any administrative determination or interpretation made by the Director of City Planning under the zoning regulations, an appeal from such decision may be taken to the City Planning Commission by any interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department, along with the appropriate and shall be accompanied by such a fees required by as specified in the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues during the appeal and/or in court. The appeal shall be accompanied by such information as may be required to facilitate review. Upon receipt of the appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof and, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence previously presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed (in the case where a public comment period is available) and raised in the appeal itself. The appellant shall not be permitted to present any other issues and/or oral, written, and/or documentary evidence during the appeal process.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12776 § 3, Exh. A (part), 2006: Ord. 12376 § 3 (part), 2001: prior planning code § 9101)

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE**Sections:**

- 17.134.010 Title, purpose, and applicability.
- 17.134.020 Definition of major and minor conditional use permits.
- 17.134.040 Procedures for consideration.
- 17.134.080 Adherence to approved plans.
- 17.134.120 Limitation on resubmission.

17.134.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Conditional Use Permit Procedure. The purpose of these provisions is to prescribe the procedure for the accommodation of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. This procedure shall apply to all proposals for which a conditional use permit is required by the zoning regulations.

17.134.020 Definition of major and minor conditional use permits.

A. **Major Conditional Use Permit.** A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:
 - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;
 - b. Nonresidential projects involving more than twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, D-CO, CIX-1A, CIX-1B, CIX-1C, CIX-1D, D-BV, or D-LM Zones;
 - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three (3) or more dwelling units in the RM-2 Zone;
 - ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.
 - d. Residential projects requiring a conditional use permit to exceed the basic or permitted density resulting which results in seven (7) or more dwelling living units in the RU or CBD-R Zones.
 - e. Large-Scale Developments. Any development which is located in the following Zones and requires a conditional use permit to meet the size thresholds as follows:
 - i. R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones D-CO, or D-LM Zone

and results in more than one hundred thousand (100,000) square feet of new floor area;

- ii. CBD, D-LM, D-BV, or D-CO Zones and results in more than two hundred thousand (200,000) square feet of new floor area.

- f. Projects that request to be considered for an exception to the D-LM Height /Bulk/Intensity-Area standards, as specified in Table 17.101G.04, Note 2.

2. Uses.

a. Activities:

- i. Residential Care Residential;
- ~~ii. Service Enriched Housing Residential;~~
- ~~iii. Transitional Housing Residential;~~
- ~~ii.iv. Emergency Shelter Residential;~~
- ~~iii.v. Extensive Impact Civic;~~
- ~~iv.vi. Fast-food Restaurant Commercial;~~
- ~~v.ii. Convenience Market Commercial;~~
- ~~vi.ii. Alcoholic Beverage Sales Commercial, or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B;~~
- ~~vii.ix. Heavy/High Impact Industrial;~~
- ~~viii.x. Small Scale Transfer and Storage Hazardous Waste Management;~~
- ~~ix.i. Industrial Transfer/Storage Hazardous Waste Management;~~
- ~~x.ii. Mining and Quarrying Extractive;~~
- ~~xi.ii. Special Health Care Civic Activities.~~

b. Facilities:

- i. Drive-Through;

3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:

- b. A single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any Residential Zzone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;
- g. An Eelectroplating Aactivity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
- h. A Telecommunications Facility in or within one hundred (100) feet of the boundary of any Residential Zzone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
- i. A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zones, or the D-CE-3 or D-CE-4 Zone.

- B. **Minor Conditional Use Permit.** A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this Section.

17.134.040 Procedures for consideration.**A. Major Conditional Use Permits.**

3. In the OS Zone. Applications for conditional use permits in the OS Zone shall be subject to the special use permit review procedure for the OS Zone established in Chapter 17.135.

B. Minor Conditional Use Permits.

2. In the OS Zone. Applications for conditional use permits in the OS Zone shall be subject to the special use permit review procedure for the OS Zone established in Chapter 17.135.

17.134.080 Adherence to approved plans.

A conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate two (2) years ~~one year~~ from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate the conditional use permit approval if such extension period has also expired.

17.134.120 Limitation on resubmission.

- A. ~~Whenever an application for a major conditional use permit has been denied by the City Council or denied by the Planning Commission and the applicant fails to file a timely appeal with the City Council, no such application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial. This Section shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify a rehearing. Applications for hearing pursuant to this section shall be considered by the Director of City Planning. A determination by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the City Planning Commission shall be final.~~
- B. Whenever an application of a minor conditional use permit has been denied by the Director of City Planning and the applicant fails to file a timely appeal to the City Planning Commission, no such application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial. This Section shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify a reconsideration.

Chapter 17.135 SPECIAL USE PERMIT REVIEW PROCEDURE FOR THE OS ZONE

Sections:

17.135.010 Title, purpose, and applicability.

17.135.030 Procedure for consideration.

17.135.040 Referral to Landmarks Preservation Advisory Board.

17.135.050 Special requirements for projects consistent with Park Master Plans.

17.135.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Special Use Permit Revue Procedures for the OS Zone. The purpose of these provisions is to prescribe the procedure for reviewing projects which are proposed in the OS Zone, including provisions for public participation. This procedure shall apply to all improvements or changes in use, as defined in Section 17.09.050.

(Ord. 12078 § 4 (part), 1998)

17.135.030 Procedure for consideration.

No change in use or improvement, as defined in Section 17.09.050, shall occur on land designated OS unless the following process has been followed:

C. Public Hearing. A public hearing shall be required for any change in use or improvement and shall be conducted and heard by the City Planning Commission and/or the Parks and Recreation Advisory Commission, as provided by Subdivisions 1 and 2 of this Subsection.

1. Major Conditional Use Permits.

c. The City Planning Commission shall determine whether the proposal conforms to the use permit criteria set forth in Section 17.11.110 and to other applicable criteria, and shall make a recommendation to grant or deny the application, or recommend such changes or impose such conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The determination of the Commission shall become final within ten calendar days after the date of the decision unless appealed to the City Council in accordance with Section 17.134.070.

2. Minor Conditional Use Permits.

b. The Director of City Planning shall determine whether the proposal conforms to the special use permit criteria set forth in Section 17.11.110 and to other applicable criteria and shall grant, deny, or conditionally grant the permit. The determination of the Director of City Planning shall become final within ten (10) calendar days after the date of the decision unless appealed to the City Planning Commission in accordance with Section 17.134.060. If no action is taken by the Director of City Planning within thirty (30) days of the Parks and Recreation Advisory Commission's recommendation, the project shall be deemed approved.

- D. Appeals. Any interested party may appeal a decision of the Director of City Planning or a decision of the City Planning Commission in accordance with the provisions outlined in the conditional use permit procedure at Sections 17.134.060 and 17.134.070. In the event the last date of appeal falls on a weekend or holiday, the next date such offices are open for business shall be the last date of appeal.

17.135.040 Referral to Landmarks Preservation Advisory Board.

Any project in the OS Zone requiring a major or minor conditional use permit shall be subject to review by the Landmarks Preservation Advisory Board (LPAB) if that project is located:

- A. Within the S-7 Zone;
- B. On a site that could potentially impact a structure, site, or feature that is listed on the State or National Registers, or that has been formally designated as an Oakland landmark.

For projects requiring a minor conditional use permit, this review shall be made after the public hearing of the Parks and Recreation Advisory Commission and before the final decision of the Director of City Planning. For projects requiring a major conditional use permit, this review shall be made after the public hearing of the Parks and Recreation Advisory Commission and before the public hearing of the City Planning Commission. The Landmarks Preservation Advisory Board may recommend modifications to the project that it deems necessary to ensure that the historic value of the structure, site, or feature is not adversely impacted. If no action is taken by the Landmarks Preservation Advisory Board within forty (40) days ~~thirty (30) days~~ of its receipt of the application, the project shall automatically ~~will be~~ forwarded to the Planning Commission (for major conditional use permits) or to the Director of City Planning (for minor conditional use permits).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12078 § 4 (part), 1998)

17.135.050 Special requirements for projects consistent with Park Master Plans.

- B. Projects in East Bay Regional Parks. Any improvement or change in use on land owned by the East Bay Regional Park District (EBRPD) shall be subject to the development standards contained in this Cchapter. However, in accordance with Section 17.11.060, such projects shall not require a conditional use permit if they are park, recreational, or civic uses that are consistent with a Park Land Use Plan or equivalent land use planning document adopted by the EBRPD Board. In the event a land use plan or equivalent document does not exist or must be amended to accommodate the facility, preparation/amendment of such a plan by the EBRPD will be required prior to issuance of a building permit for future improvements. Such plans and plan amendments shall require public notice to abutting property owners and to the Oakland Parks and Recreation Advisory Commission, City Planning Commission, and City Council at least forty-five (45) days prior to adoption by the Park Board in order to ensure opportunity for public comment from Oakland residents.

Chapter 17.136 DESIGN REVIEW PROCEDURE

Sections:

17.136.010 Title, purpose, and applicability.

17.136.025 Exemptions from design review.

17.136.030 Small project design review.

17.136.038 Special project design review.

17.136.040 Regular design review.

17.136.055 Special regulations for historic properties in the Central Business District Zones.

17.136.070 Special regulations for designated landmarks.

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

17.136.080 Appeal to Planning Commission—Regular design review.

17.136.090 Appeal to City Council—Regular design review.

17.136.100 Adherence to approved plans.

17.136.120 Design review related to conditional use permit, Planned Unit Development, variance, or subdivision.

17.136.130 Limitation on resubmission—Small project design review and Special project design review.

17.136.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Design Review Procedure. The purpose of these provisions is to prescribe the procedure for the review of proposals located in areas or on sites, or involving uses, which require special design treatment and consideration of relationships to the physical surroundings. This procedure shall apply to all proposals for which design review is required by the zoning regulations.

17.136.025 Exemptions from design review.

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

1. Additions or Alterations.

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

i) Structures declared to be unsafe by the Building Official or the City Council.
"Unsafe structures" means structures found by the Building Official or the City

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Council, to require immediate issuance of a demolition permit to protect the public health and safety; or

- ii) Structures declared to be a public nuisance by the Building Official or City Council that are not Designated Historic Properties, ~~or Potentially Designated Historic Properties,~~ or in the CIX-1A Zone, as specified in Section 17.136.075.
 - d. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.103.080;
 - e. Floor area additions within the existing building envelope not involving the creation of a dwelling unit;
 - f. Except as otherwise specified in Subsection B.1.g for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;
 - g. For Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, cumulative additions over a three (3) year period that are outside the existing building envelope and equal no more than fifty percent (50%) of the total floor area or footprint on site or three thousand (3,000) square feet, whichever is less;
 - h. For Commercial, Civic, or Industrial Facilities and the Non-residential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only be permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;
2. Signs.
- a. A change of sign face copy or new sign face within an existing Advertisement Sign
 - c. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070.
3. Other Projects.
- a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right of way, pursuant to Section 17.103.090;
 - b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district.

17.136.030 Small project design review.

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

elsewhere in the Oakland Planning Code, including but not limited to, Chapter 17.73. "Small Project Design Review" proposals shall meet all of the following provisions:

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

1. Additions or Alterations.

- b. Except as otherwise specified in Sections 17.136.025, 17.136.038, ~~and 17.136.040, and 17.136.075~~, demolition or removal of structures not involving a Designated Historic Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;
- c. Except as otherwise specified in Sections 17.136.025 and 17.136.038 for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
- d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding seven hundred fifty (750) ~~nine hundred (900)~~ square feet or seventy-five percent (75%) ~~fifty percent (50%)~~ of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.103.080;
- e. For Commercial, Civic, or Industrial Facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.

2. Fences, barriers, and similar freestanding walls.

- b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, S-15, and D-CO-1 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a Residential Zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.

C. Procedures for Consideration—Small Project Design Review. The Director of City Planning may, at his or her discretion, consider an application for small project design review according to the following Three-Track process, or if additional consideration is required, determine that the proposal shall be reviewed according to the regular design review procedure in Section 17.136.040.

2. Track Two Procedure—Small Project Design Review Proposals Involving a Local Register Property:

- b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.

3. Track Three Procedure—Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One- or Two-Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the HBX Zones, not including allowed projections above the height limits listed in Section 17.108.030.
 - a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this Section.
 - c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by Certificate of Mailing ~~certified mail~~ or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

17.136.038 Special project design review.

- A. Applicability. "Special Project Design Review" shall apply to Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for design review exemption as set forth in Section 17.136.025 or Small project design review as set forth in Section 17.136.030; or require Regular Design Review as either determined by the Director of City Planning or as set forth in Section 17.136.075 and Chapter 17.73.
- C. Procedures for Consideration—Special Project Design Review. The Director of City Planning shall consider an application for Special project design review according to the following Two-Track process, or if additional consideration is required, determine that the proposal shall be reviewed instead according to the Regular design review procedure in Section 17.136.040.
 1. Track One Procedure—Special Project Design Review Proposals Not Involving a Local Register Property:
 - a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for Special project design review as set forth in this Section.
 - c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by Certificate of Mailing ~~certified mail~~ or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).
 2. Track Two Procedure—Special Project Design Review Proposals Involving a Local Register Property:

- c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by Certificate of Mailing ~~certified mail or delivery~~ to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

17.136.040 Regular design review.

- A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025, small project design review as set forth in Section 17.136.030, or special project design review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, projects requiring regular design review include, but are not limited to, the following types of work:
 3. New construction of one (1) or two (2) dwelling units, other than a Ssecondary Unit;
 6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170); ~~the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections 17.101E.070 and 17.101E.080); or the creation of any new CIX, IG, or IO work/live unit (see Section 17.73.040).~~ This requirement shall apply for both: a) conversions of existing facilities to contain any ~~either~~ of these unit types, and b) the construction of new buildings that contain any ~~either~~ of these unit types;
 8. Exceptions to the parking accommodation requirements for One- and Two-Family Residential Facilities in Section 17.116.075;
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
 1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for regular design review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in more than twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80, CBD, ~~CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, CIX-1A, CIX-1B, CIX-1C, CIX-1D, D-BV, D-LM, D-CO, or S-15~~ Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

- E. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in Subsections C₂ and D₂ of this Section.

17.136.055 Special regulations for historic properties in the Central Business District and the Lake Merritt Station Area District Zones.

- A. The provisions of this Section shall only apply to proposals in the Central Business District (CBD) Zones and Lake Merritt Station Area District (D-LM) Zones.
- B. Findings.
 - 2. Approval of applications for projects in an API that require Regular Design Review approval may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and to the following additional criteria:
 - b. New street frontage has forms that reflect the widths and rhythm of the facades on the street₂ and entrances that reflect the patterns on the street;
 - c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API₂.

17.136.070 Special regulations for designated landmarks.

- A. **Designation.** In any zone, the City Council may designate as a landmark any facility, portion thereof, or group of facilities which has special character, interest, or value of any of the types referred to in Section 17.07.030P. The designating ordinance for each landmark shall include a description of the characteristics of the landmark which justify its designation and a clear description of the particular features that should be preserved. Each ordinance shall also include the location and boundaries of a landmark site, which shall be the lot, or other appropriate immediate setting, containing the landmark. Designation of each landmark and landmark site shall be pursuant to the rezoning and law change procedure in Chapter 17.144₂.
- C. **Regular Design Review Criteria.** Proposals involving designated landmarks that require regular design review approval may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in Section 17.136.050 and to the additional criteria set forth below in Subdivisions 1, 2 and 3 or to one or both of the criteria set forth in Subdivision 4:
 - 3. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally~~2~~-related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties;
- D. **Duty to Keep in Good Repair.** Except as otherwise authorized under Subsections B₂ and C₂ of this Section, the owner, lessee, or other person in actual charge of each designated landmark shall keep good repair all of the exterior portions thereof, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion.

**17.136.075 Regulations for demolition or removal of ~~CIX-1A zoned properties,~~
~~D~~esignated ~~H~~istoric ~~P~~roperties, and ~~P~~otentially ~~D~~esignated ~~H~~istoric ~~P~~roperties,
and CIX-1A zoned properties.**

- A. With the exception of structures declared to be a public nuisance by the Building Official or City Council, Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall only be approved after the Regular Design Review of a replacement project at the subject site has been approved; however, demolition of nuisance structures must still undergo Regular Design Review for demolition as required by this ~~C~~chapter.
- B. Regular Design Review approval for the demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the City's Preservation Study List that are not in an S-7 or S-20 Zzone, or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the regular design review criteria, all other applicable design review criteria, and the following additional criteria:
- C. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone, or an S-7 or S-20 Zone, or an Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:
 - 1. For the demolition of structures in the CIX-1A Zone, or contributors to an S-7 Zzone, or S-20 Zone, or API:
 - 2. For the demolition of noncontributors to an S-7 Zone, S-20 Zone, or API: The existing structure is either: i) seriously deteriorated or a hazard, or ii) the existing design is undistinguished and does not warrant retention. For this finding, a hazard constitutes a threat to health and safety that is not immediate;
 - 3. For the demolition of any structure in an S-7 Zzone, S-20 Zone, or API:
- E. For proposals that have received Design Review approval pursuant to this Ssection, the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this Ssection if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this Ssection may be appealed pursuant to the administrative appeal procedure in Chapter 17.132.

17.136.130 Limitation on resubmission—Small project design review and Special project design review.

Whenever an application for small project design review or special project design review has been denied by the Director of City Planning, no small project design review application or special project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review.

The limitation of this Section on resubmitting an application for small project design review or special project design review shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify reconsideration of denial of the original application for small project design review or special project design review. Applications pursuant to this Section shall be considered by the Director of City Planning. A determination by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the Planning Commission shall be final.

Chapter 17.138 DEVELOPMENT AGREEMENT PROCEDURE

Sections:

17.138.010 Title, purposes, and applicability.

17.138.015 Projects eligible and special regulations for projects with development agreements.

17.138.020 Application.

17.138.010 Title, purposes, and applicability.

The provisions of this Chapter shall be known as the Development Agreement Procedure. The purposes of these provisions are to prescribe the procedure for consideration of development agreements and, by encouraging appropriate projects, to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development. This procedure shall apply to all proposals for development agreements.

17.138.015 Projects eligible and special regulations for projects with development agreements.

- A. Any person having a legal or equitable interest in the real property involved may, upon approval pursuant to the development agreement procedure in this Chapter, enter into a development agreement with the City for any specific development project which involves either:
- B. The development agreement shall not be approved unless the project has received, or simultaneously receives, whatever design review, conditional use permit, preliminary Planned Unit Development plan approval, and/or variance it may otherwise require. For the duration of the particular agreement, and unless otherwise provided in the terms thereof, there shall be a contractual guarantee that the project covered by the agreement may be pursued under the applicable procedural criteria, if any, and other zoning regulations, and plans or other documents referred to by any such criteria, as they existed when the agreement was approved and notwithstanding any subsequent changes in said zoning regulations or documents. However, the agreement may also subject the proposal to special conditions to benefit or protect the City for entering into the development agreement. The conditions may include, but are not limited to, supplemental restrictions on kinds of uses, Floor-Area Ratio, or density; special conditions or criteria for required subsequent zoning approvals, if any; and requirements for the reservation, dedication, or improvement of land for public purposes or accessible to the public.

17.138.020 Application.

Application for a development agreement shall be made by a person, or the authorized agent of a person, having a legal or equitable interest in the affected property. Application shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the fee schedule in Chapter 17.150 and by the proposed development agreement and any supporting material which, between them, shall include the following:

- B. A description of the development project, indicating the proposed kinds of uses, Floor-Aarea Ratio or density, and building height and size, and such additional information as may be required to allow the applicable criterion and factors to be applied to the proposal. Such information may include, but is not limited to, site and building plans, elevations, relationships to adjacent properties, and operational data. Where appropriate the description may distinguish between elements of the project which are proposed to be fixed under the agreement and those which may vary;

Chapter 17.140 PLANNED UNIT DEVELOPMENT PROCEDURE

Sections:

- 17.140.010 Title, purpose, and applicability.
- 17.140.020 Application.
- 17.140.030 Preliminary Planning Commission action.
- 17.140.040 Submission of final development plan.
- 17.140.060 Final Planning Commission action.
- 17.140.080 Permit criteria.
- 17.140.090 Mapping.
- 17.140.100 Limitation on resubmission.
- 17.140.110 Adherence to approved plan, and modification thereof.

17.140.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Planned Unit Development Procedure. The purpose of these provisions is to prescribe the procedure for the review of Planned Unit Developments and to encourage those which are appropriately designed and located. This procedure shall apply to all proposed developments for which a permit is required by Section 17.142.030. Whenever such a development is subject to the real estate subdivision regulations, this procedure shall be complied with, and, in addition thereto, such regulations.

17.140.020 Application.

Application for a Planned Unit Development (PUD) permit shall be made by the owner of the affected property or his or her authorized agent, or by another party described in Section 17.142.040, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the fee schedule in Chapter 17.150, and by the following:

17.140.030 Preliminary Planning Commission action.

An application for a Planned Unit Development (PUD) permit shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in such records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. If, however, the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement these procedures. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so

will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 17.140.080 and to the Planned Unity Development regulations in Chapter 17.142, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Commission may, in its discretion, authorize submission of the final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. The determination of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17.140.040 Submission of final development plan.

Unless a different time limit is prescribed in the approval or modified approval of a preliminary development plan, Within one (1) year after the approval or modified approval of a preliminary development plan, the applicant shall file with the City Planning Department a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 17.140.030, for the first unit of the development, within one (1) year after the approval or modified approval of the preliminary development plan. The final plan shall conform in all major respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary development plan plus the following: the location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of Signs; plans for street improvements; and grading or earth-moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall also be submitted.

If the final plan, meeting the requirements stated in this section, is not submitted within one (1) year after the date of approval or modified approval of the preliminary development plan, or within any different time limit prescribed, whether approved by operation of law or otherwise, the preliminary development plan shall be considered void.

17.140.060 Final Planning Commission action.

Upon receipt of the PUD final development plan, the City Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, whether it conforms to applicable design review criteria. After receiving a final development plan which includes design and arrangement of portions of the project shown in generalized, schematic fashion on the preliminary development plan, the Commission shall hold a public hearing before taking action. Notice of the hearing shall be given in the same manner as set forth in Section 17.140.030. While the hearing is open,

any interested party must enter into the record any issues and/or oral, written, or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission may grant or deny a Planned Unit Development permit or require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Commission may permit the applicant to revise the plan and resubmit it as a final development plan within thirty (30) days. If the Commission does not grant such permission, the decision of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17.140.080 Permit criteria.

A Planned Unit Development permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the Planned Unit Development regulations in Chapter 17.142:

17.140.090 Mapping.

Whenever a Planned Unit Development (PUD) permit has been granted, and so long as the permit is in effect, the boundary of the Planned Unit Development shall be indicated on the zoning maps of the city.

17.140.100 Limitation on resubmission.

Whenever an application for a Planned Unit Development permit has been denied, no application for the same area or any portion thereof shall be filed by the same applicant within six (6) months after the date of denial.

17.140.110 Adherence to approved plan, and modification thereof.

The applicant shall agree in writing to be bound, for himself or herself and his or her successors in interest, by the conditions prescribed for approval of a Planned Unit Development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of City Planning if such changes are consistent with the purposes and general character of the development plan. Proposed extensions to the ~~one-year~~ time limit imposed by Section 17.140.040 and proposed extensions of revisions of the stage development schedule, upon application filed at any time before said period has expired, shall be referred to the City Planning Commission, and the Commission may approve, modify, or deny such proposals. The decision of the Commission is appealable to the City Council. All other modifications, including extensions or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

Chapter 17.142 MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

Article I - Title, Purposes and Applicability

Article II - Mini-Lot Developments

Article III - Planned Unit Developments

Article I Title, Purposes and Applicability

17.142.002 Title and purposes.

17.142.004 Applicability.

17.142.002 Title and purposes.

The provisions of this Chapter shall be known as the Mmini Llot and Planned Unit Development Regulations. The purposes of these regulations are to:

17.142.004 Applicability.

These regulations shall apply to all:

- A. Mini-Llot Developments located on a single tract of land of less than sixty thousand (60,000) square feet, and containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located; and

Article II Mini-Lot Developments

17.142.010 Definition of Mmini-Llot Development.

17.142.012 Basic provisions for Mmini-Llot Developments.

17.142.014 Zones in which requirements may be waived for a Mmini-Llot Development.

17.142.016 Maximum size for which requirements may be waived for a Mmini-Llot Development.

17.142.010 Definition of Mmini-Llot Development.

A Mmini-Llot Development is a comprehensively designed development containing lots that do not meet the minimum size or other requirements applying to individual lots of less than sixty thousand (60,000) square feet in the zone where it is located.

17.142.012 Basic provisions for Mmini-Llot Ddevelopments.

Subject to the provisions of this article, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a Mmini-Llot Ddevelopment, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.
 - a. For the RM-2 Zone, ~~RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north),~~ the minimum setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also ~~for the RM-2 Zone in the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination:~~
 - i. ~~Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.~~

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.142.014 Zones in which requirements may be waived for a Mmini-Llot Ddevelopment.

A conditional use permit pursuant to 17.142.012 may only be granted in the S-1 or S-2 Zone, or in any Residential or Commercial Zone other than RH or RD Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.142.016 Maximum size for which requirements may be waived for a Mmini-Llot Ddevelopment.

Maximum Size for Which Requirements May Be Waived. A conditional use permit pursuant to Section 17.142.012 of this Chapter may be granted only if the total land area of the Mmini-Llot Ddevelopment is less than sixty thousand (60,000) square feet.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

Article III Planned Unit Developments

17.142.020 Definition of Planned Unit Ddevelopment.

17.142.030 Developments for which Planned Unit Ddevelopment permit approval is required or requested.

17.142.040 Ownership and division of land.

17.142.050 Professional design.

17.142.080 Zones in which bonuses may be granted.

17.142.090 Minimum size for which bonuses may be granted.

17.142.100 Bonuses.

17.142.110 Development standards.

17.142.020 Definition of Planned Unit Development.

A "Planned Unit Development" (PUD) is a large, integrated development adhering to a comprehensive plan and located on a single tract of land of sixty thousand (60,000) square feet or more, or on two (2) or more tracts of land equaling sixty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way. In developments that are approved pursuant to the Planned Unit Development regulations in this Chapter, certain uses may be permitted in addition to those otherwise allowed in the underlying zone, and certain of the other regulations applying in said zone may be waived or modified, and the requirement for design review shall not apply to 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 7801)

17.142.030 Developments for which Planned Unit Development permit approval is required or requested.

- A. The following developments are permitted only upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140.
 - 1. Any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.
 - 2. Any integrated development which is primarily designed for or occupied by Commercial Activities, which is located in any Commercial Zone, and which is developed under unified control, in accordance with a comprehensive plan, on a single tract with sixty thousand (60,000) square feet or more of land area, or on two (2) or more tracts which total such area and which are separated only by a street or other right-of-way.
- B. Unless required by the Planning Director, other large, integrated developments involving the same minimum land area thresholds of a Planned Unit Development, as defined in Section 17.142.020, are permitted without such a permit. However, an applicant for such a development may request a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140, but shall be subject to all regulations generally applying in the zone in which they are located.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 7802)

17.142.040 Ownership and division of land.

If any of the bonuses set forth in Section 17.142.100 are proposed for a development, the tract or tracts of land included in such development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase; any governmental agency, including the Redevelopment Successor Agency of the City; or a redeveloper under contract with the Redevelopment Successor Agency shall be deemed the owner of such land for the purposes of this Section. Unless otherwise provided as a condition for approval of a Planned Unit Development (PUD) permit, the permittee may divide and transfer units of any development for which a permit is required by Section 17.142.030. The transferee shall complete each such unit, and use and maintain it, in strict conformance with the approved permit and development plan.

(Ord. 12872 § 4 (part), 2008; prior planning code § 7803)

17.142.050 Professional design.

If any of the bonuses set forth in Section 17.142.100 are proposed for a Planned Unit Development, the application for a Planned Unit Development (PUD) permit pursuant to said Section shall utilize the following professionals in the design process for the development:

17.142.080 Zones in which bonuses may be granted.

The bonuses set forth in Section 17.142.100 may, upon approval pursuant thereto and except as otherwise specified therein, be permitted for a Planned Unit Development in any Residential or Commercial Zone, or in the S-1, S-2, S-15, or D-CO-1 Zones.

(Ord. 12872 § 4 (part), 2008; Ord. 11892 § 19, 1996: prior planning code § 7810)

17.142.090 Minimum size for which bonuses may be granted.

The minimum total land area of any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100 shall be four (4) acres in the RH and RD-1 Zones, and sixty thousand (60,000) square feet in all other zones except the CC-1 Zone. In the CC-1 Zone, the minimum total land area shall be four (4) acres for any Planned Unit Development incorporating any of the bonuses set forth in Subsection 17.142.100.E, and sixty thousand (60,000) square feet for any other Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.

17.142.100 Bonuses.

For Planned Unit Developments qualifying under Sections 17.142.080 and 17.142.090, the following exceptions to otherwise applicable regulations may be permitted upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140:

- A. Additional Permitted Activities Where Increase in Overall Density or Floor-Area Ratio (FAR) Is Proposed. Except in the RH and RD-1 Zones, the following activities, as described in the use classifications in Chapter 17.10, may be permitted in a Planned Unit Development incorporating an increase in overall density or Floor-Area Ratio pursuant to Subsection E. of this Section, in addition to the activities generally permitted in the zone where the development is located:

B. Further Additional Permitted Activities Where No Increase in Overall Density or Floor-Area Ratio Is Proposed. Except in the RH and RD-1 Zones, the following activities, as described in the use classifications, may be permitted in a Planned Unit Development for which no increase in overall density or Floor-Area Ratio is proposed pursuant to Subsection E. of this Section, in addition to the activities listed in Subsection A. of this Section and in addition to the activities generally permitted in the zone in which the development is located. The special limitations prescribed in Subsection A.3. of this Section with respect to location and amount of floor area devoted to Commercial Activities shall not apply in such a development.

3. Commercial Activities:

Personal Instruction and Improvement Services and Small Scale Entertainment

4. Industrial Manufacturing Activities:

Custom Manufacturing

E. Increase in Overall Density or Floor-Area Ratio.

1. Except in the RH, and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to thirty-three percent (33%) if the development contains a combination of two (2) or more of the following dwelling types and if not more than two-thirds (2/3) of the total number of living units are included in any one of such types:

b. Town house or similar One-Family semi-detached or attached buildings each containing only one (1) living unit;

2. Except in the RH, and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to twenty-five percent (25%) in a development other than one described in Subsection E.1. of this Section.

H. Limitations on Signs. Except in the RH and RD-1 Zones and except in a development incorporating an increase in density or Floor-Area Ratio pursuant to Subsection E. of this Section, Signs may be developed subject to the limitations prescribed therefor in the CC-1 Zone rather than those in the zone in which the development is located.

17.142.110 Development standards.

The following regulations shall apply to all developments for which a permit is required by Section 17.142.030:

A. Density and Floor-Area Ratio (FAR) Calculation. The maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, shall be based on the land area within the development, excluding the following:

1. Publicly dedicated streets, freeways, alleys, and paths;

2. When computing density for Residential Facilities in the RH, RD, or RM, C-10, C-20, or C-60 Zones, the following:

- a. Land, other than public housing sites, which is publicly owned or reserved for public ownership,
 - b. Land which is specifically devoted to or intended for Nonresidential Facilities.
- D. Performance Standards. Any Commercial or ~~Manufacturing-Industrial~~ Activities in the development shall be subject to the applicable provisions of the performance standards in Chapter 17.120.
- F. Usable Open Space. In the RH-1, RH-2 and RH-3 Zones, two hundred (200) square feet of group usable open space per dwelling unit and three hundred (300) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities; and in the RH-4 and RD-1 Zones, two hundred (200) square feet of group usable open space per dwelling unit and one hundred (100) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities. In any other zone, in any development incorporating an increase in overall density or Floor-Area Ratio pursuant to Subsection 17.142.100.E, group usable open space shall be provided for Residential Facilities in the minimum amount of two hundred (200) square feet per dwelling unit. Except as otherwise provided in Subsection 17.142.100.F, all required usable open space shall conform to the standards for required usable open space in Chapter 17.126, and private usable open space may be substituted for required group space in the ratio prescribed in said chapter.
- H. Other Regulations. Except as otherwise provided in Section 17.142.100 and in this Section, and except as more restrictive regulations may be prescribed pursuant to Section 17.142.060 or otherwise as a condition of approval of a Planned Unit Development permit pursuant to Section 17.142.030, the development shall be subject to the regulations generally applying in the zone in which it is located and the provisions of Section 17.108.080.
- I. Developments Divided by Boundaries. Any development which is divided by a boundary between zones shall be subject as if it were a single lot to the provisions of Subsections B.2., 3., and 4. of Section 17.154.060 with respect to calculation of required parking, loading, and usable open space; calculation of maximum number of living units or Floor-Area Ratio; and distribution of the resulting number of living units or amount of floor area.

Chapter 17.144 REZONING AND LAW CHANGE PROCEDURE

Sections:

17.144.010 Title, purpose, and applicability.

17.144.020 No Council action without Planning Commission recommendation.

17.144.090 Council action.

17.144.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Rezoning and Law Change Procedure. The purpose of these provisions is to prescribe the procedure by which changes may be made in the text of the zoning regulations and in the application thereof to specific properties. This procedure shall apply to all proposals to rezone property, to change the text of the zoning regulations, or to establish, amend, or delete any development control map or designated landmark or landmark site.

(Prior planning code § 9500)

17.144.020 No Council action without Planning Commission recommendation.

The City Council shall not rezone any property, change the text of any provision of the zoning regulations, or establish, amend, or delete any development control map or designated landmark or landmark site until after it has received, pursuant to this procedure, a recommendation and/or findings from the City Planning Commission. However, if the City Planning Commission has not forwarded a recommendation/finding to the City Council within a reasonable time after receiving a final Planning Staff recommendation, the City Council body may, by written notice, require the City Planning Commission to render its written report within forty (40) days. Upon receipt of the written notice, the City Planning Commission, if it has not already done so, shall conduct a public hearing. Failure to report to the City Council within the above time period shall be deemed to be approval of the recommendation/finding and such shall be automatically be forwarded to the City Council for its consideration and final decision.

(Prior planning code § 9501)

17.144.090 Council action.

Upon receipt of an appeal by a private party, or upon receipt of a recommendation from the City Planning Commission, or upon automatic forwarding of Planning Staff's recommendation if the City Planning Commission has not timely acted (pursuant to Section 17.144.020), the City Council shall set the date for consideration of the matter. After setting the hearing date, the Council, prior to hearing the appeal, or recommendation, or forwarded Staff recommendation, may refer the matter back to the Planning Commission for further consideration and advice. Matters Appeals referred to the Planning Commission shall be considered by the Commission at its next available scheduled meeting but in no event later than forty (40) days. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, or after forty (40) days if the City Planning Commission does not provide clarification and advice, shall hold a hearing on and decide the matter. appeal. In the case of receipt of a recommendation from the

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City Planning Commission, the City Clerk shall notify the Secretary of the City Planning Commission of the date set for consideration thereof; and said Secretary shall give notice of the hearing by mail or delivery to all parties who have commented on the matter and to other interested parties as deemed appropriate. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing.

In the case of an appeal by a private party, the City Clerk shall notify the Secretary of the City Planning Commission of the receipt of the appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. Upon an appeal by a private party, or upon the receipt of a recommendation from the City Planning Commission, or upon automatic forwarding of Planning Staff's recommendation if the City Planning Commission has not timely acted, the Council may approve, modify, or reverse the underlying decision or it may approve, modify, or disapprove the Commission's and/or Planning Staff's recommendations, as the case may be. The decision of the City Council shall be made by resolution and shall be final.

Chapter 17.148 VARIANCE PROCEDURE**Sections:**

- 17.148.010 Title, purpose, and applicability.
- 17.148.020 Definition of Mmajor and Mminor Vvariances.
- 17.148.030 Application.
- 17.148.040 Procedure for consideration.
- 17.148.050 Findings required.
- 17.148.060 Appeal to Planning Commission—Minor Vvariances.
- 17.148.070 Appeal to Council—Major Vvariances.
- 17.148.080 Adherence to approved plans.
- 17.148.100 Variance related to Cconditional Uuse Ppermit, Rregular Ddesign Rreview, Planned Unit Ddevelopment, or subdivision.
- 17.148.110 Limitation on resubmission.

17.148.010 Title, purpose, and applicability.

The provisions of this Cchapter shall be known as the Vvariance Pprocedure. The purpose of these provisions is to prescribe the procedure for the relaxation of any substantive provision of the zoning regulations, under specified conditions, so that the public welfare is secured and substantial justice done most nearly in accord with the intent and purposes of the zoning regulations. This procedure shall apply to all proposals to vary the strict requirements of the zoning regulations.

(Prior planning code § 9600)

17.148.020 Definition of Mmajor and Mminor Vvariances.

- A. **Major Variance.** A "Mmajor Vvariance" is a variance which involves any of the following provisions:
 - 4. Maximum Ffloor-Aarea Rratio, except for One-Family Dwellings, One-Family Dwellings with Secondary Unit, and Two-Family Dwellings;
 - 5. Maximum size of Commercial or Industrial Manufacturing establishments;
 - 6. Restriction on over-concentration of Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing,~~ and Emergency Shelter Residential Activities as set forth in Subsection 17.103.010.B.
- B. **Minor Variance.** A "Mminor Vvariance" is a variance which does not involve any of the provisions listed in Subsection A₂ of this Section.

17.148.030 Application.

In all Zones, an application for a variance shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information, including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required to permit the review of the proposal in the context of the required findings, and by the fee prescribed in the fee schedule in Chapter 17.150.

17.148.040 Procedure for consideration.

C. **Alternative Notification Procedures.** If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in Subsections A. and B. of this Section.

17.148.050 Findings required.

- A. With the exception of variances for Aadult Eentertainment Aactivities or Sign Facilities, a variance may be granted only upon determination that all of the following conditions are present:
- B. A variance for Aadult Eentertainment Aactivities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:
- C. A variance for Sign Facilities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

17.148.060 Appeal to Planning Commission—Minor Variances.**17.148.070 Appeal to Council—Major Variances.**

- A. With the exceptions of appeals for Aadult Eentertainment Aactivities or for Signs, appeals to the City Council shall be governed by the following:
- B. Appeals to the City Council relating to Aadult Eentertainment Aactivities or for Signs shall be governed by the following:

17.148.100 Variance related to Conditional Use Permit, Regular Design Rreview, Planned Unit Development, or subdivision.

Whenever a variance is required for a proposal also requiring a conditional use permit, regular design review, or a Planned Unit Development permit, application for the variance shall be included in the application for said conditional use permit, regular design review, or Planned Unit Development permit, and shall be processed and considered as part of same. Whenever a variance is proposed within a proposed subdivision, the application for the variance may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, and may be processed and considered therewith. In either case, however, the reviewing officer or body shall, in considering such a variance, determine whether the conditions required in Section 17.148.050 are present.

17.148.110 Limitation on resubmission.

Whenever an application for a major variance has been denied by the City Council or denied by the Planning Commission and the applicant fails to file a timely appeal with the City Council, no such application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial. This Section shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify a rehearing. Applications for hearing pursuant to this Section shall be considered by the Director of City Planning. A decision by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the City Planning Commission shall be final.

Chapter 17.150 FEE SCHEDULE

Sections:

17.150.010 Title, purpose, and applicability.

17.150.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Fee Schedule. The purpose of these provisions is to prescribe the fees for the filing of applications for, or making appeals under, the procedures of the zoning regulations. This fee schedule shall apply to all such filings.

(Prior planning code § 9800)

Chapter 17.152 ENFORCEMENT

Sections:

- 17.152.010 Title, purpose, and applicability.
- 17.152.030 Violations and penalties.
- 17.152.060 General revocation procedures.
- 17.152.070 Filing and commencement of revocation complaints.
- 17.152.200 Liens, penalties and expenses of abatement.
- 17.152.220 Web site notice.
- 17.152.230 Extension of time.

17.152.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Enforcement Regulations. The purpose of these regulations is to ensure compliance with the zoning regulations. These provisions shall apply to the enforcement of the zoning regulations, but shall not be deemed exclusive.

(Prior planning code § 9900)

17.152.030 Violations and penalties.

- C. Any Violation a Public Nuisance. In addition to the penalties provided in this Section, any use or condition caused or permitted to exist in violation of any of the provisions of the zoning regulations shall be and is declared to be a public nuisance and may be summarily abated as such by the city.
- D. Injunction as Additional Remedy. Any violation of any provision of the zoning regulations shall be and is declared to be contrary to the public ~~pubic~~-interest and shall, at the discretion of the city, create a cause of action for injunctive relief.
- E. Penalties. Any person convicted of an infraction under the provisions of this Section shall be punishable by a fine to the maximum permitted under state law. Any violation beyond the third conviction within a one-year period may be charged by the City Attorney or District Attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under state law.

17.152.060 General revocation procedures.

The provisions of Sections 17.152.060 through 17.152.230 shall outline the process by which zoning revocation hearings are required to be conducted.

(Ord. 12233 § 3 (part), 2000)

17.152.070 Filing and commencement of revocation complaints.

- A. Any member of the public, city official, including any City Councilmember, City Planning Commissioner or city employee, may file a complaint with the City Planning Department and request that revocation proceedings be commenced under this Cchapter to revoke or amend any land_-use_-related approval granted, or land_-use_ permit held or issued, including subdivisions. However, this Cchapter shall not apply to Deemed Approved Alcoholic Beverage Sales Regulations (Chapter 17.156) and Deemed Approved Hotel and Rooming House Regulations (Chapter 17.157) as those Chapters have specific revocation procedures.

17.152.200 Liens, penalties and expenses of abatement.

- C. Said reasonable expenses, fines and monetary expenses, among other ways, may be collected by the city pursuant to the provisions of Subsection D_ of this Ssection.
- D. For purposes of this Ssection, the personal obligation requirement shall apply to individuals and entities. The Building Official shall give the permit holder and owner of such premises a written notice showing the amount of the penalty, fine and expense and requesting payment thereof. If the amount of such penalty, time and expense are not paid to the Building Official within five (5) days after the date of such notice, the Building Official shall forward a report of the penalty, fine and expense to the City Planning Commission for a confirmation hearing.

NOTICE OF LIEN

Pursuant to Chapter 17.152 of the Oakland Planning Code, a penalty, fine and expense in the amount of \$____; ~~#rule;~~ was assessed by the Building Official, and confirmed by the City Planning Commission against the herein described real property and said amount has not been paid, nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter described real property in said amount; the same shall be a lien upon said real property until said sum has been paid in full. The real property herein above-mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California and particularly described as follows, to wit:

17.152.220 Web site notice.

While the city shall make a good faith effort to post revocation notices and determinations on the city's web site, the city's failure to so post shall not constitute error and shall not serve as a basis for invalidating any decision made pursuant to this Cchapter.

17.152.230 Extension of time.

The complainant, property owner, permit holder and appellant, if applicable, may agree in writing to extend any deadline contained in this Cchapter.

Chapter 17.154 ZONING MAPS

Sections:

17.154.010 Title, purpose, and applicability.

17.154.020 Maps and designated landmarks.

17.154.040 Maintenance and revision of maps.

17.154.060 Application of regulations to lots divided by zone boundaries.

17.154.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Zoning Maps. The purpose of these provisions is to describe the boundaries of zones, and the boundaries and other features of development control maps and designated landmarks and landmark sites, established and amended under the zoning regulations. These provisions shall apply to all property within the city, and to adjoining unincorporated territory where it is prezoned pursuant to Section 17.07.040B.

17.154.020 Maps and designated landmarks.

- A. Section Maps Showing Zone Boundaries. Subject to the provisions of Sections 17.154.030, 17.154.040, and 17.154.050, the zones referred to in the zoning regulations are established, and the boundaries between these zones are established and fixed, as shown on the zoning maps on file with in the City Clerk, 's Office. Said section maps and all subsequent additions and revisions thereto are incorporated as part of this Section.
- B. Legend and Index for Zoning Maps. Subject to the provisions of Section 17.154.040, the legend for the zoning maps are incorporated as part of this Section.
- C. Development Control Maps. Subject to the provisions of Sections 17.154.030, 17.154.040, and 17.154.050, the boundaries and other features of development control maps are established and fixed as shown on the development control maps on file with in the City Clerk, 's Office, including all subsequent amendments thereto, and on such additional development control maps as are hereafter adopted. All such development control maps are incorporated as part of this Section.
- D. Designated Landmarks and Landmarks Sites. Subject to the provisions of Sections 17.154.040 and 17.154.050, the boundaries and other features of designated landmarks and landmark sites are established and fixed as indicated in such ordinances as are hereafter adopted pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144. All such ordinances are incorporated as part of this Section.

17.154.040 Maintenance and revision of maps.

The Director of City Planning shall properly maintain the zoning maps, the legend and index therefor, the development control maps, and the ordinances designating landmarks and landmark sites. When appropriate he or she shall update these by changing the revision dates thereon and the street pattern, lot lines, or other orientation features, and by indicating approved Planned Unit Developments (PUDs) pursuant to Section 17.140.090. When land is annexed

to Oakland, or rezoned pursuant to Section 17.07.040B, he or she shall, where appropriate, create new development control maps with the zoning indicated pursuant to Section 17.154.030. Except as required by Section 17.154.030, however, he or she shall make no changes in zone boundaries or substantive changes in development control maps or designated landmarks and landmark sites and all proposals for such changes shall be considered pursuant to the rezoning and law change procedure in Chapter 17.144.

17.154.060 Application of regulations to lots divided by zone boundaries.

Wherever it is found, after applying the rules set forth in Section 17.154.050 for interpretation of zone boundaries, that any lot is divided by a boundary between zones, the provisions of the zoning regulations shall apply as follows to such lot:

- B. Application of Regulations Where Subsection A. is Inoperative. Wherever the provisions of Subsection A. of this Section do not apply or the option provided therein is not exercised:
 - 4. The maximum permitted or conditionally permitted number of living units or Floor-Area Ratio, if any, on the lot shall be calculated separately on the basis of the amount of lot area and the density ratio and Floor-Area Ratio applying in each zone. The resulting maximum permitted or conditionally permitted total number of living units or amount of floor area may be distributed on the lot without regard for zone boundaries, except as otherwise provided in Subsection B.1. of this Section and except that the number of living units and amount of floor area within each zone shall not exceed the number or amount which would be allowed on the entire lot if it were completely within such zone.

Chapter 17.156 DEEMED APPROVED ALCOHOLIC BEVERAGE SALE REGULATIONS

Sections:

Article I - Title and Scope

Article II - Definitions

Article III - Deemed Approved Performance Standards

Article IV - Deemed Approved Status Procedure

Article V - Enforcement Procedure

Article I Title and Scope

17.156.010 Title, purpose, and applicability.

17.156.020 Title of Deemed Approved Alcoholic Beverage Sale regulations.

17.156.030 Purpose of Deemed Approved Alcoholic Beverage Sale regulations.

17.156.050 Administrative Hearing Officer.

17.156.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the title and scope of the Deemed Approved Alcoholic Beverage Sale Regulations. The purpose of these provisions is to specify the title, purposes, and applicability of the Deemed Approved Alcoholic Beverage Sale regulations and to require conformity to said regulations.

(Ord. 11624 § 2, 1993: prior planning code § 15000)

17.156.020 Title of Deemed Approved Alcoholic Beverage Sale regulations.

The provisions of this Chapter shall be known as the Deemed Approved Alcoholic Beverage Sale Regulations.

(Ord. 11624 § 2, 1993: prior planning code § 15001)

17.156.030 Purpose of Deemed Approved Alcoholic Beverage Sale regulations.

The general purposes of the Deemed Approved Alcoholic Beverage Sale regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that Alcoholic Beverage Sales Commercial Activities that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale regulations comply with the Deemed Approved performance standards at Article III of this Chapter and to achieve the following objectives:

17.156.050 Administrative Hearing Officer.

There is created an Alcoholic Beverage Sales Administrative Hearing Officer. The Alcoholic Beverage Sales Administrative Hearing Officer shall be a city staff person and shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular sites as appropriate. This Section is not intended to restrict the powers and duties otherwise pertaining to other city officers or bodies, in the field of monitoring and ensuring the harmony of Alcoholic Beverage Sale Commercial Activities in the city. These parties shall have the powers and duties assigned to them by the Planning Code, by the zoning regulations, by other codes and ordinances, by the City Charter, or by valid administrative authority.

(Ord. 11624 § 2, 1993: prior planning code § 15010)

Article II Definitions

17.156.070 Definitions.

17.156.070 Definitions.

As used in this Chapter:

"Deemed Approved Activity" means any Legal Nonconforming Alcoholic Beverage Sales Commercial Activity, as defined in this Section, in existence immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale regulations shall be considered a Deemed Approved Activity as long as it complies with the Deemed Approved performance standards as set forth in Section 17.156.090, and shall no longer be considered a Legal Nonconforming Activity.

"Illegal activity" means an activity which has been finally determined to be in noncompliance with the Deemed Approved performance standards in Article III of this Chapter. Such an activity shall lose its Deemed Approved Status and shall no longer be considered a Deemed Approved Activity.

"Performance standards" means regulations prescribed in the Deemed Approved Performance Standards in Article III of this Chapter.

Article IV Deemed Approved Status Procedure

17.156.120 Notification to owners of Deemed Approved Activities.

17.156.120 Notification to owners of Deemed Approved Activities.

The Officer shall notify the owner of each Deemed Approved Activity, and also the property owner if not the same, of the activity's Deemed Approved Status. Such notice shall be sent via certified return receipt mail; shall include a copy of the performance standards of Article III of this Chapter with the requirement that these be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review; notification that the activity is required to comply with all these same performance standards; that a review fee is

required, and the amount of such fee provided in the master fee schedule; and that the activity is required to comply with all other aspects of the Deemed Approved Alcoholic Beverage Sale regulations. Should the notice be returned, then the notice shall be sent via regular U.S. Mail.

(Ord. 11624 § 2, 1993: prior planning code § 15320)

Article V Enforcement Procedure

17.156.220 Violations and penalties.

17.156.220 Violations and penalties.

- | C. Any Violation a Public Nuisance. In addition to the penalties provided in this Ssection, any use or condition caused or permitted to exist in violation of any of the provisions of this Cchapter shall be and is declared to be a public nuisance and may be summarily abated as such by the city.
- | E. Penalties. Any person convicted of an infraction under the provisions of this Ssection shall be punishable by a fine to the maximum permitted under state law. Any violation beyond the second conviction within a one-year period may be charged by the City Attorney or District Attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under state law.

Chapter 17.157 DEEMED APPROVED HOTEL AND ROOMING HOUSE REGULATIONS

Sections:

Article I - Title and Scope

Article II - Definitions

Article IV - Deemed Approved Status Procedure

Article V - Enforcement Procedure

Article I Title and Scope

17.157.010 Title.

17.157.020 Purpose of Deemed Approved Hotel regulations.

17.157.040 Administrative Hearing Officer.

17.157.010 Title.

The provisions of this Chapter shall be known as the Deemed Approved Hotel Regulations.

(Ord. 12137 § 2 (part), 1999)

17.157.020 Purpose of Deemed Approved Hotel regulations.

The general purposes of the Deemed Approved Hotel Regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that Hotels and Rooming Houses that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Hotel Regulations comply with the Deemed Approved performance standards at Article III, Section 17.157.060 of this Chapter and to achieve the following objectives:

17.157.040 Administrative Hearing Officer.

There is created a Hotel Administrative Hearing Officer. The Hotel Administrative Hearing Officer shall conduct public hearings and establish findings and conditions intended to encourage and achieve compliance with the Hotel Performance Standards at Section 17.157.060 of particular sites as appropriate. This Section is not intended to restrict the powers and duties otherwise pertaining to other city officers or bodies, in the field of monitoring and ensuring the harmony of Deemed Approved Hotel Activities in the city. These parties shall have the powers and duties assigned to them by the city codes and ordinances, by the City Charter, or by valid administrative authority.

(Ord. 12137 § 2 (part), 1999)

Article II Definitions

17.157.050 Definitions.

17.157.050 Definitions.

As used in this Chapter:

"Deemed Approved Hotel Activity" means any Hotel or Rooming House that is legal nonconforming and in existence immediately prior to the effective date of the Deemed Approved Hotel regulations. Said business(es) shall be considered a Deemed Approved Hotel Activity as long as it complies with the Deemed Approved Hotel performance standards as set forth in Section 17.157.060 of this Chapter. Said business(es) shall no longer be considered a Legal Nonconforming Activity.

Article IV Deemed Approved Status Procedure

17.157.090 Notification of owners of Deemed Approved Hotel Activities.

17.157.090 Notification of owners of Deemed Approved Hotel Activities.

The city shall notify the owner of each Deemed Approved Hotel Activity, and also the property owner if not the same, of the activity's Deemed Approved Status. Such notice shall be sent via certified return receipt mail; shall include a copy of the performance standards of Article III of this Chapter; notification that the activity is required to comply with all these same performance standards; and that the activity is required to comply with all other aspects of the Deemed Approved Hotel regulations. Should the notice be returned, then the notice shall be sent via regular U.S. Mail.

(Ord. 12137 § 2 (part), 1999)

Article V Enforcement Procedure

17.157.180 Violations and penalties.

17.157.180 Violations and penalties.

- C. Any Violation a Public Nuisance. In addition to the penalties provided in this Section, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is declared to be a public nuisance and may be abated as such by the city after appropriate notice and opportunity to be heard.

D. Injunction as Additional Remedy. Any violation of any provision of these regulations shall be and is declared to be contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief.

| E. Penalties. Any person convicted of an infraction under the provisions of this Ssection shall be punishable by a fine to the maximum permitted under state law. Any violation beyond the second conviction within a one-year period may be charged by the City Attorney or District Attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under State law.

ATTACHMENT B

April 16, 2015

Ed Manasse, Strategic Planning Manager
Strategic Planning Division
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
cc: Oliver Luby, Office of Dan Kalb,
Oakland City Council, District 1

RE: Code changes for ADUs

Dear Ed Manasse,

I was glad to talk with you by phone on April 9th about accessory dwelling unit (ADU) regulations, and to learn that Oakland is in the process of drafting a proposal for a code update. You said that my phone call was good timing, and it was good timing from my perspective, too.

My husband and I have owned a home in North Oakland for 24 years. In 2010 I underwent treatment for cancer and a difficult couple of years of treatment followed. This experience, and our ages (late 60s), made us reevaluate our living situation and think about plans for aging-in-place. As baby-boomers, we are not alone in rethinking our future needs—for income or for a live-in caregiver—and wanting to be able to add a rental unit on our property in order to meet these needs.

While Oakland currently allows secondary unit possibilities, the code requirements are so restrictive that a legal accessory dwelling unit (ADU) is often not doable. The requirements that are most prohibitive are for setbacks and parking. My husband and I hired an architect and went over and over the possible ways we could add an ADU. Despite having a 4,200 sf lot, we cannot meet the code requirements for providing the required non-tandem parking spaces and still have space for an ADU within setback requirements. Even if we could meet parking requirements, to meet the requirement for a 15' rear setback, we would have to situate the ADU in the middle of our yard, right behind our house, giving up our view, our yard, and any open space except a narrow perimeter band. Our architect has been in communication with Ann Clevenger in the Bureau of Planning, and she was not encouraging about our chance for a variance on either setbacks or parking. The irony is that we live one block south of the Berkeley border. If we lived one block further north, the ADU we want to build would be legal. As you know, Berkeley is in the process of relaxing the code, to allow ADUs as-of-right, with rear and side setbacks of 4' (rather than 15' at the rear) and to allow tandem parking.

I sent you an email on April 10th with a link to information about Berkeley's plans for relaxing ADU regulations, and I also sent to you by mail two articles from the *SF Chronicle* about Berkeley's plans. (The San Francisco Board of Supervisors also unanimously passed legislation March 11, 2015, to reduce barriers to ADUs.) Clearly these kinds of smart-growth changes are in the air! The *SF Chronicle* articles lay out better than I could the arguments for owner-occupied

rental housing and for relaxing ADU code requirements: providing affordable housing and increasing density, which are strong goals of Oakland city planners, with the perk of allowing future flexibility for home owners, whether they need income, a live-in caregiver, or a smaller place to move to when older, letting their children live in the main house and provide their care.

Planners are well aware that many Oakland residents, finding city regulations daunting and unattainable, simply convert structures or parts of their house to rental units without going through the permit process. It would be better for everyone to have these units regulated rather than "below the radar," and to collect the appropriate property and income taxes. It would only take several minimal changes to make "on the radar" ADUs much more likely, particularly allowing ADUs as-of-right, and relaxing setback requirements to 4' side and back, and parking requirements to allow tandem parking.

You had mentioned in our phone call that Oakland will be looking at Berkeley's recent changes as an example of how regulations might be relaxed to accommodate the needs of many residents like us. I encourage Oakland to follow Berkeley's lead in code changes, recognizing the tremendous benefits ADUs provide, in terms of infill, densification, aging-in-place, and family flexibility, all while preserving neighborhood character.

Sincerely Yours,

Dorothy Wall

Dorothy Wall
6542 Dana Street
Oakland, CA 94609
(510) 658-4973
dorothy@dorothywall.com

What was approved under Berkeley's new proposal

Lot size requirement: None

Maximum size: 750 square feet or 75% of the primary structure, whichever is less

Height: 14-foot maximum height at peak of roof, 10-foot maximum at eave of roof; not to exceed 10 feet at property line

Setback: 4-foot minimum side and rear setback from property line; no side or rear setback required if ADU will replace preexisting buildings on the property line

Parking: Tandem parking in driveway is allowed (including non-conforming driveways that don't comply with the minimum 2-foot landscaping strip). Proposed ADUs that are within a quarter-mile of a BART station and located in an RPP zone will have no additional parking requirement. No Residential Parking Permit will be issued to an ADU under all circumstances.

Other: Legal property owner shall live in main dwelling unit or ADU. If ADU is built on property line, doors and windows cannot face neighbors' property.

August 19, 2015

Donatas Januta
Barbara Gansmiller
5677 Ocean View Drive
Oakland, Ca 94618
(510)420-8181 telephone
(510)326-3263 cel
(510)420-8179 facsimile

TO: Mr. Scott Miller
Mr. Caesar Quitevis
Planning Department
City of Oakland

RE: 5677 Ocean View Drive - Permit ID # ZP150066
Secondary unit conversion

Dear Messrs. Miller and Quitevis,

This is to supplement, with some new information, our previous submission for a pre-application hearing on the referenced matter, and to address some matters raised in the discussion with Mr. Quitevis on July 10th.

We are applying to convert an existing 434 sq. ft. lawful accessory structure, which was built in 1914, to in-law residential use. There would be no external changes to the structure. This conversion would comply with State law mandates which encourage such in-law units.

Oakland mayor Libby Schaff and Planning Director Rachel Flynn, have both been publicly quoted as encouraging such in-law units. The Housing Element of Oakland's General Plan, and ABAG mandate increasing this type of housing. Neighboring jurisdictions, San Francisco and Berkeley, as we note below, also affirmatively encourage this type of residential use.

The main issue for our application appears to be rear and side yard setbacks. We have received approval from the only people that would be affected by the rear and side yard issues, our neighbors on both sides and to the rear of our property. See attached.

We would be asking for a setback variance, for a structure that has stood 100 years, in a neighborhood where most houses pre-date current Oakland zoning and are built within current rear, side or front set-backs. The set-back variance would be an acknowledgment of what already exists on this and other similarly situated property in this neighborhood. Variances are an integral part of zoning ordinances, to address situations which may not fit within the "one size fits all" general zoning, and which, nonetheless, do carry out and even promote public policy.

Berkeley is now approving pre-existing accessory units for conversion to in-law residential, and even exempts parking requirements for units close to BART and public transportation. Our address is in the first block above the College Ave. bus

line and around the corner from Rockridge BART station. San Francisco has also relaxed zoning specifically to encourage in-law units.

We note a few other relevant points. The Assessor's records show that the adjacent easterly property consists of 2 residential units, one being a garage conversion which lies within the rear and side setbacks, like our application. Duplexes and triplexes - two unit and three unit properties - are common on this and on adjacent blocks. Setback variances have been approved for in-law units at other locations in the Rockridge neighborhood, thus there exists precedent for our application.

In recognition of the need for this type of affordable housing, State law encourages creation of in-law units by providing for ministerial non-discretionary review of applications to the point of prohibiting municipalities from considering any increase in density. California Government Code 65852.2(b)(5) provides: "The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential density."

Our accessory building opens to a rear garden and has no privacy issues with neighbors. See attached. It is an existing permitted accessory building with half bath and is currently in use as such.

My architect, Glen Jarvis, and I are looking forward to meeting with you both and this matter. Please give us a date and time.

Thank you for your attention and consideration. We look forward to meeting and discussing these matters with you.

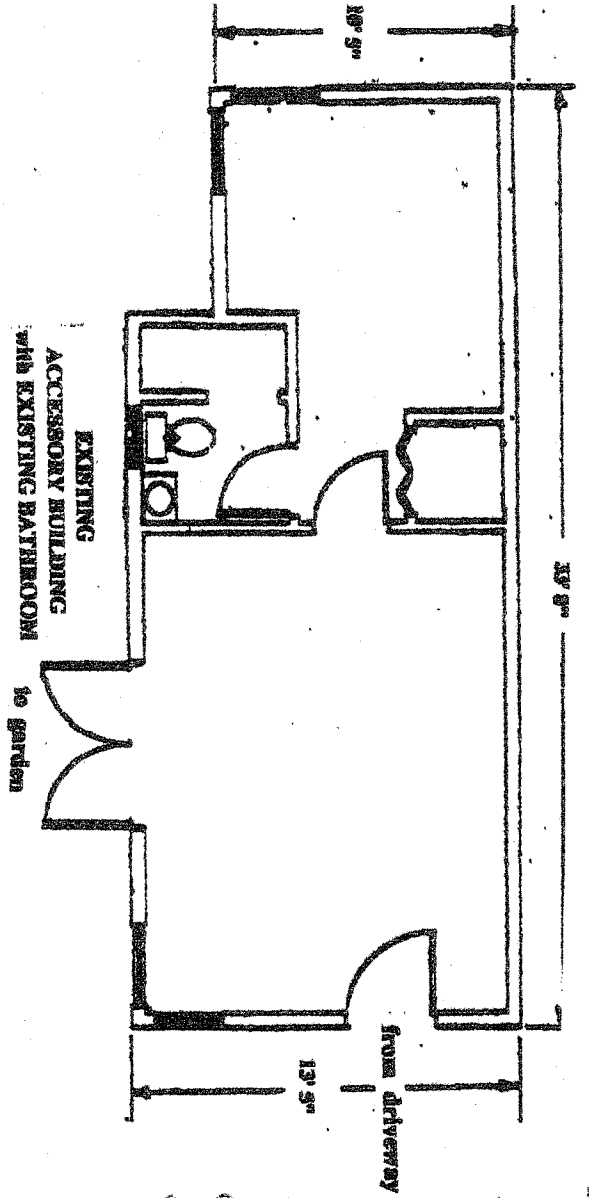
Very truly yours,



Donatas Januta

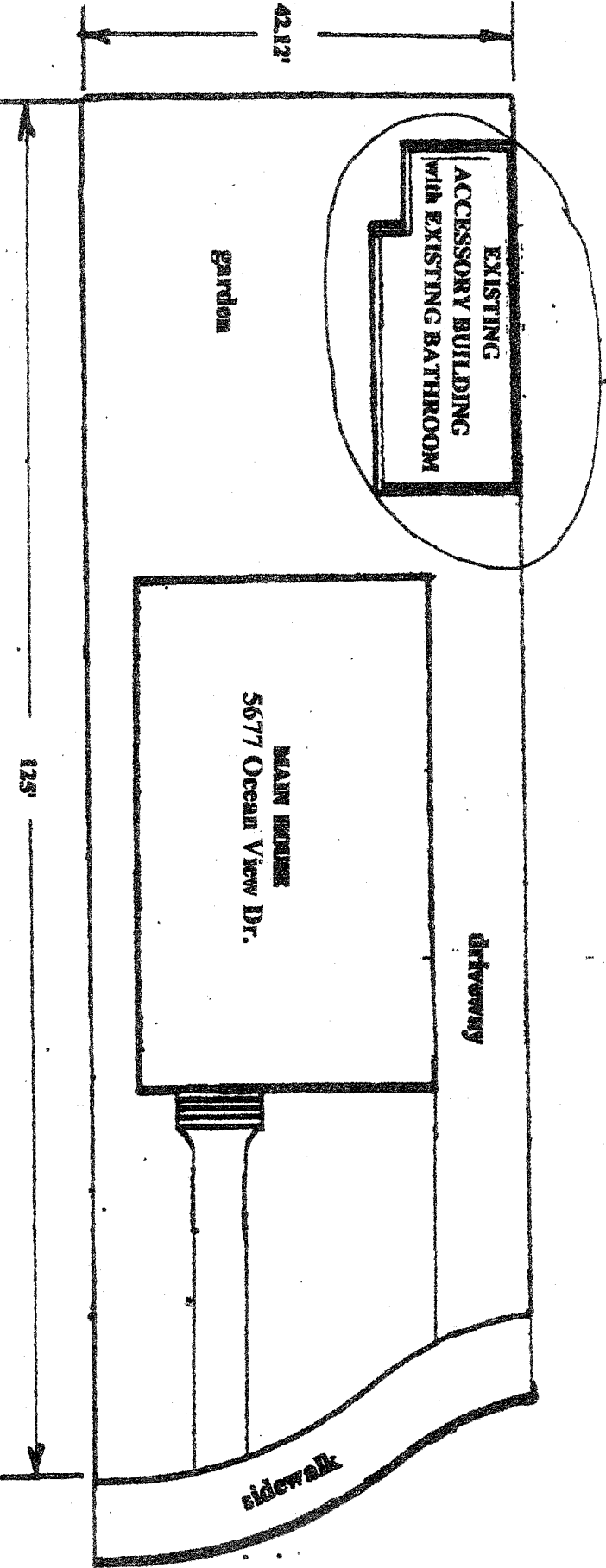
Secondary unit conversion 8.10.15 [in LETTERS 1]

PROPOSED IN-LAW UNIT

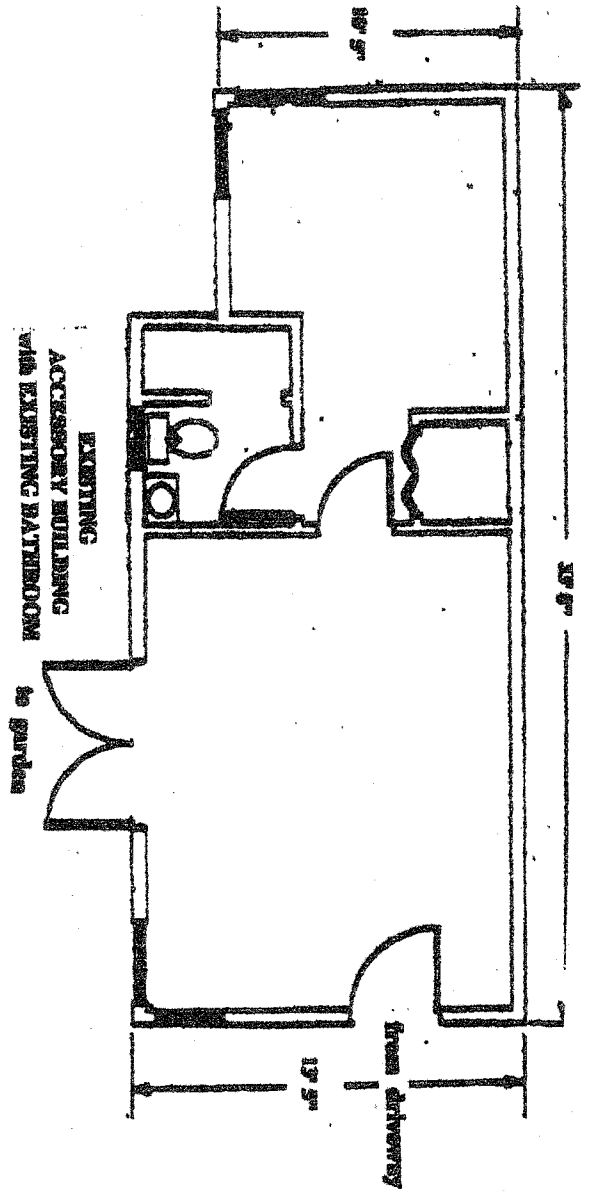


Jenna & Jared Blanton
5671 Ocean View Dr.

We feel that the rear structure of our neighbor at 5671 would be a good use of residential space. Please consider this our support of our neighbors efforts to permit this for residential use.

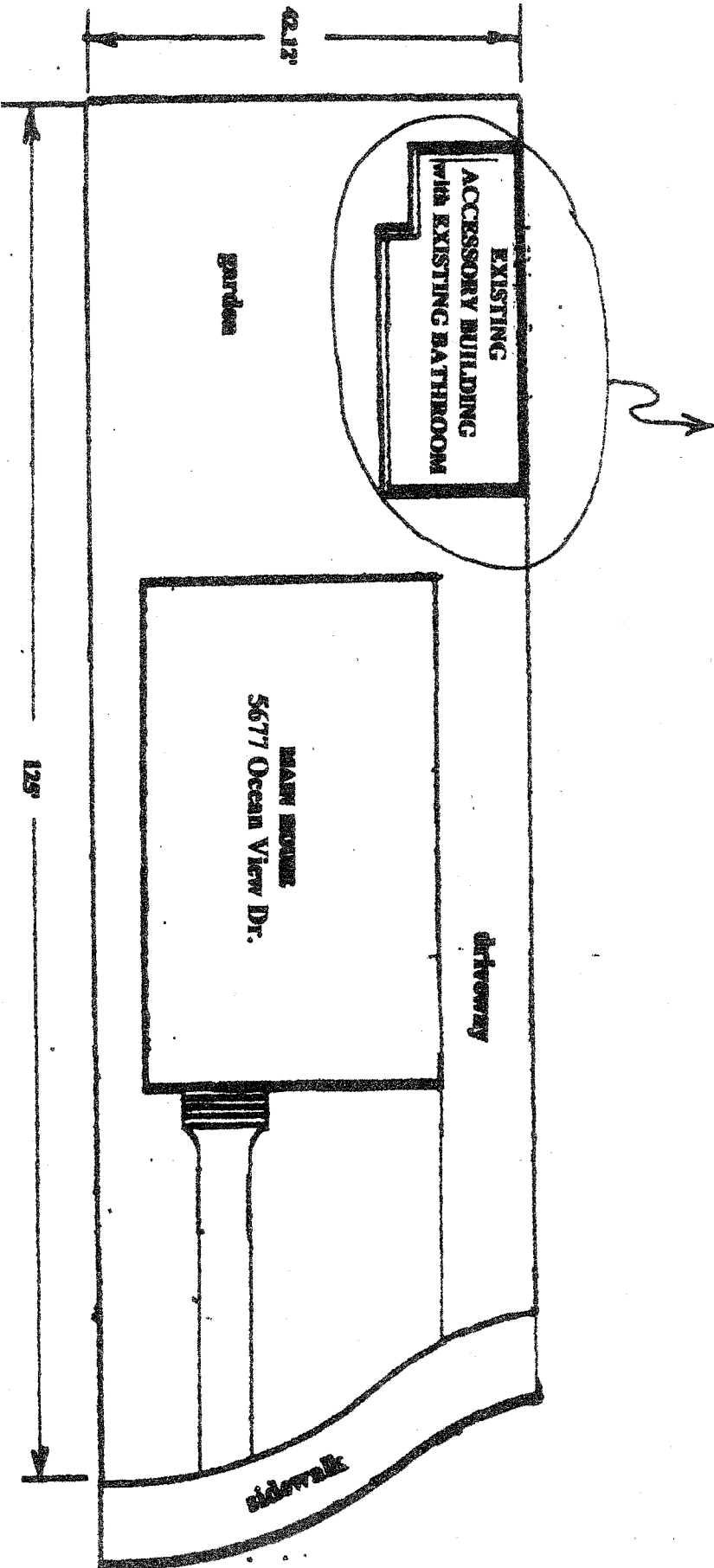


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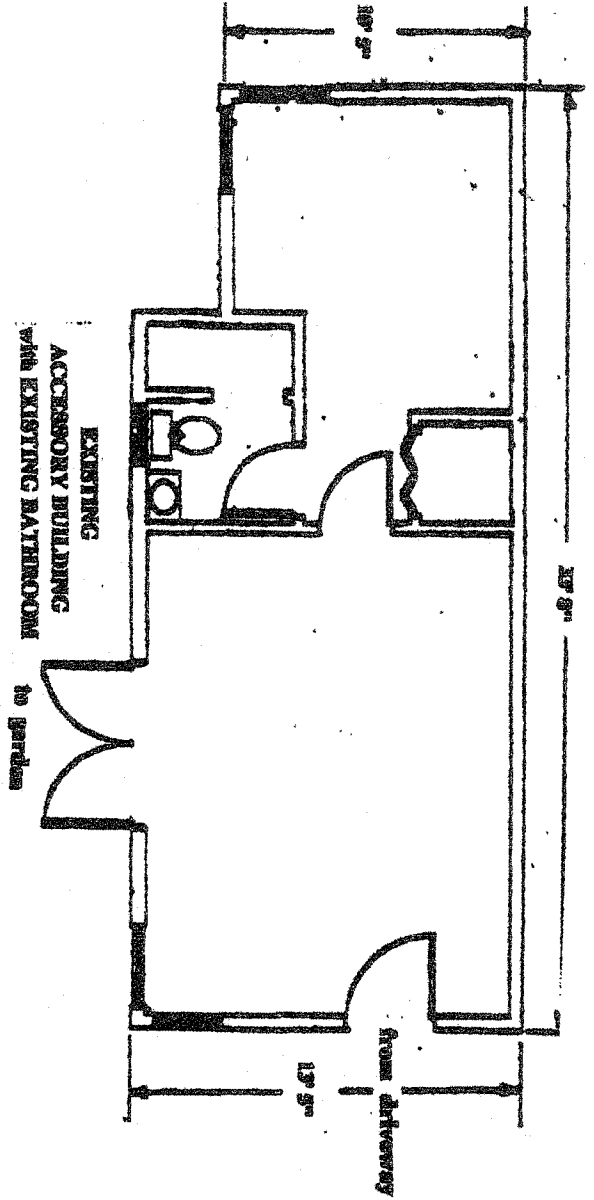


THIS IS AN APPROPRIATE
 SQUARE IN-LAW UNIT.
 10M. OCEAN VIEW DR.
 9675 OCEAN VIEW DR.
 OAKLAND CA,
 94618

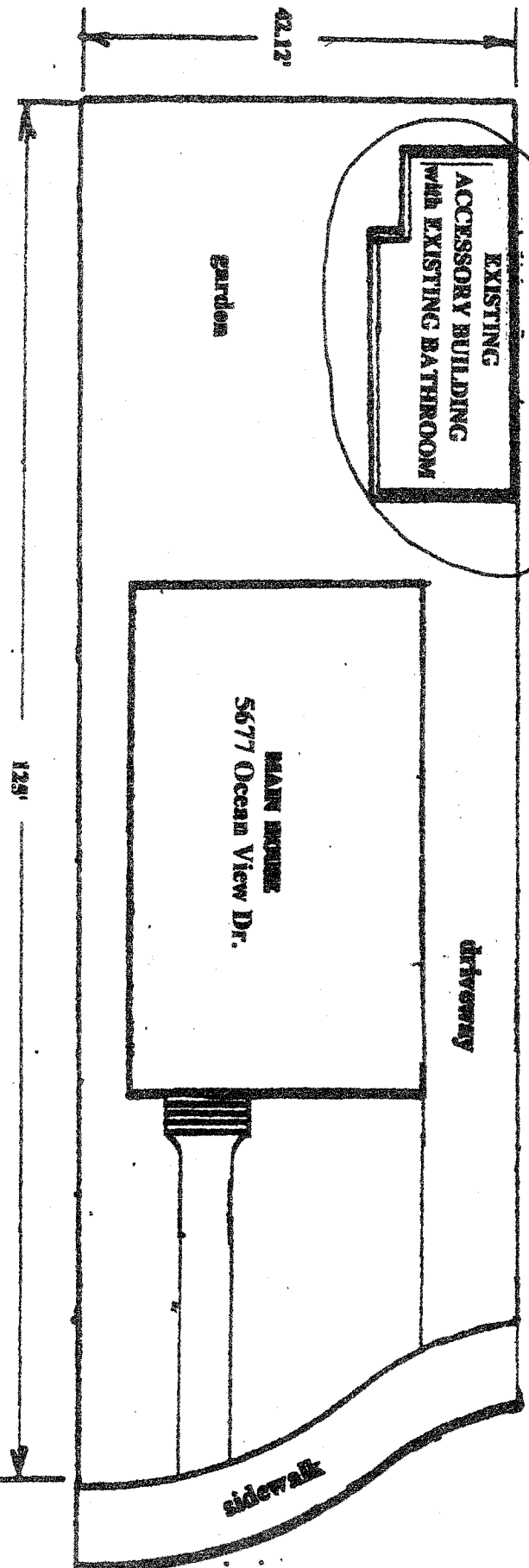
Sketch

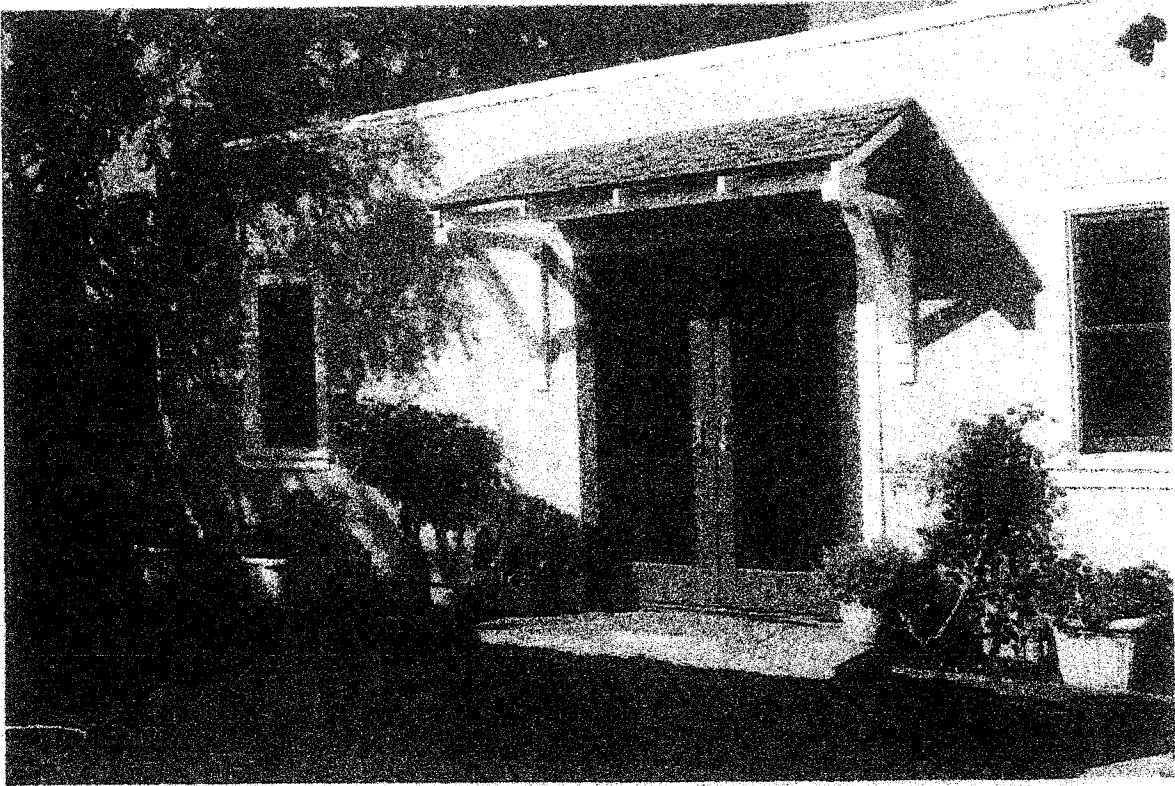


PROPOSED IN-LAW UNIT

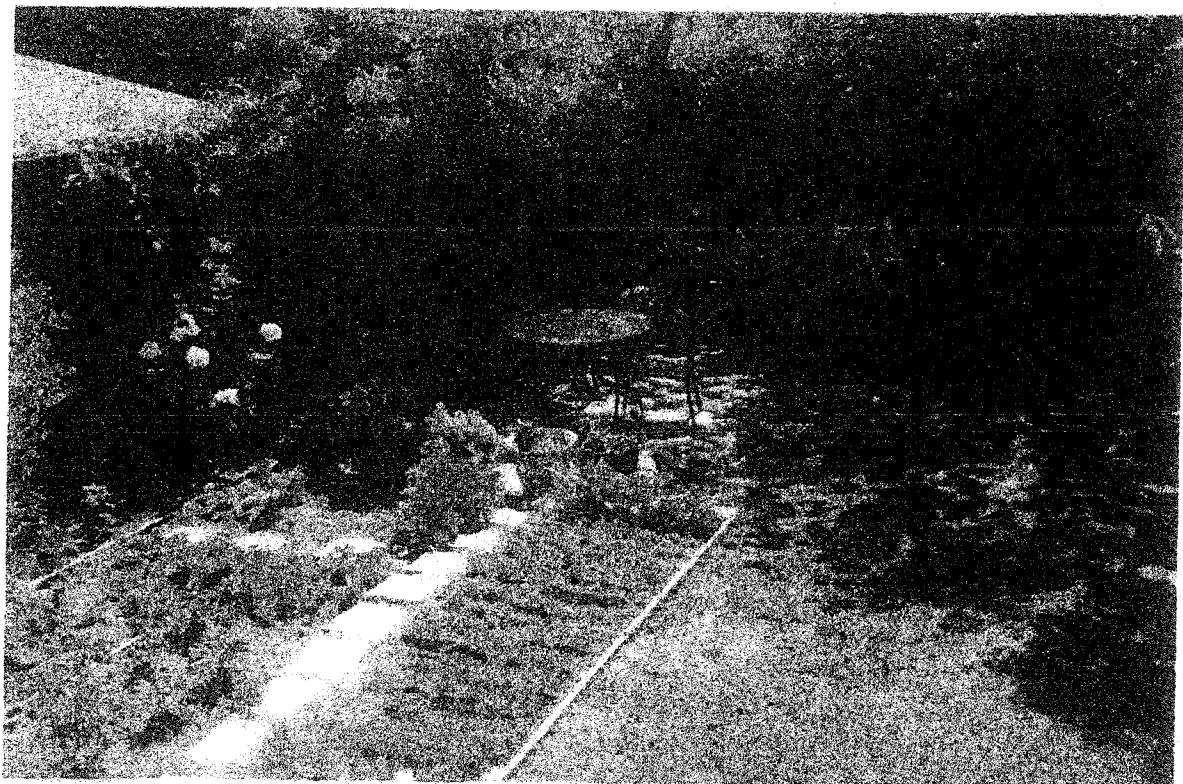


No desire to
oppose. OK with
Kevin Knudsen
5388 Canyon Ave
Oakland.





Existing accessory building in back yard



View of back yard & vegetable garden

ATTACHMENT C



CITY OF OAKLAND

Zoning Update: Telegraph & Broadway **Proposed Zoning**



Zoning Update: Telegraph & Broadway

Existing Zoning



Zoning Update: Telegraph & Broadway
Proposed Height Limits



Zoning Update: Telegraph & Broadway

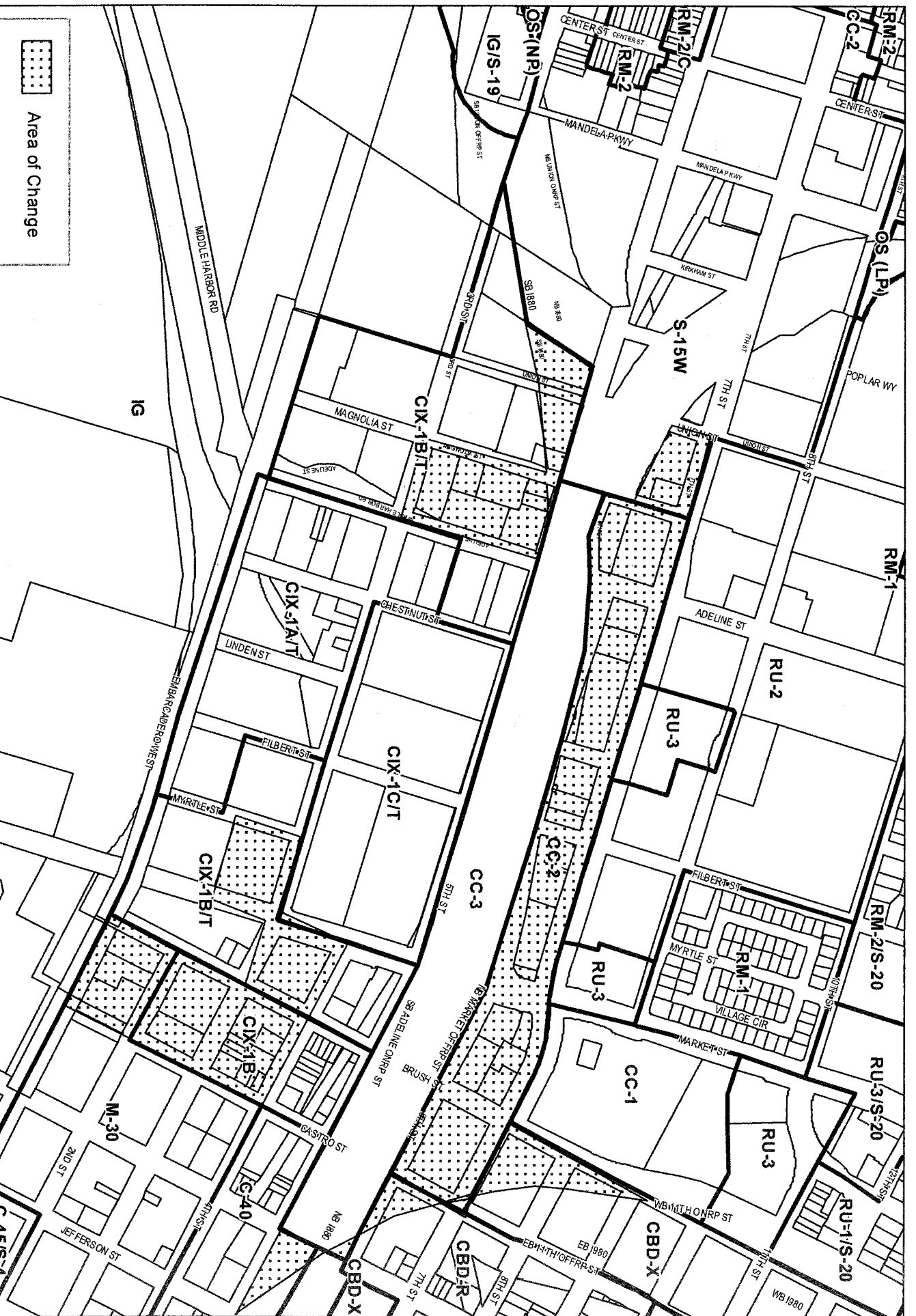
Existing Height Limits



ATTACHMENT D



Proposed Zoning



Planning and Building Department August 2015





Existing Zoning

A vertical scale bar with markings at 0, 500, and 1,000 ft. The bar is divided into two sections: a black section from 0 to 500 ft and a white section from 500 to 1,000 ft.





Planning and Building Department August 2015

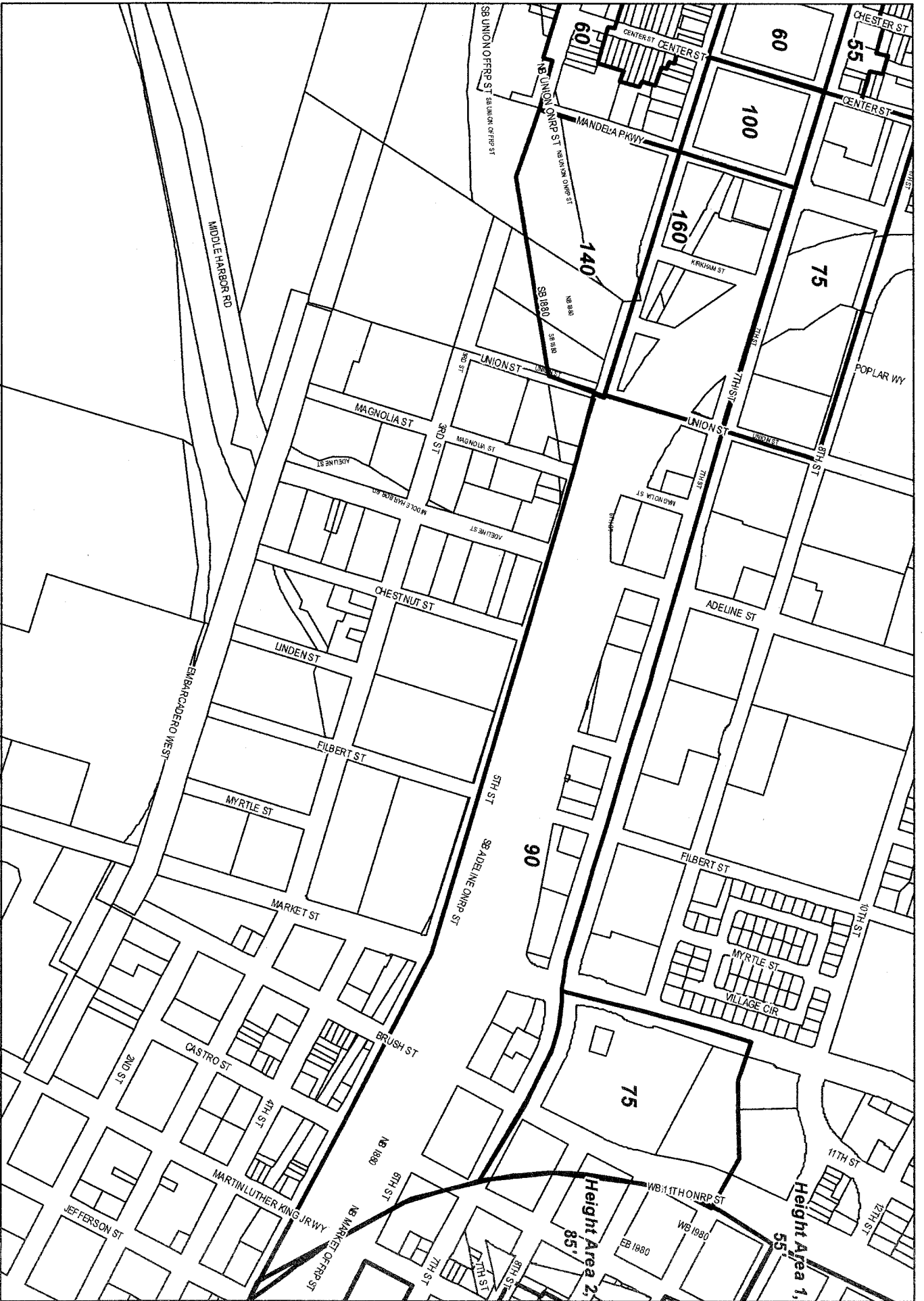


Zoning Update: W Oakland BART

Existing Height Limits



Planning and Building Department August 2015

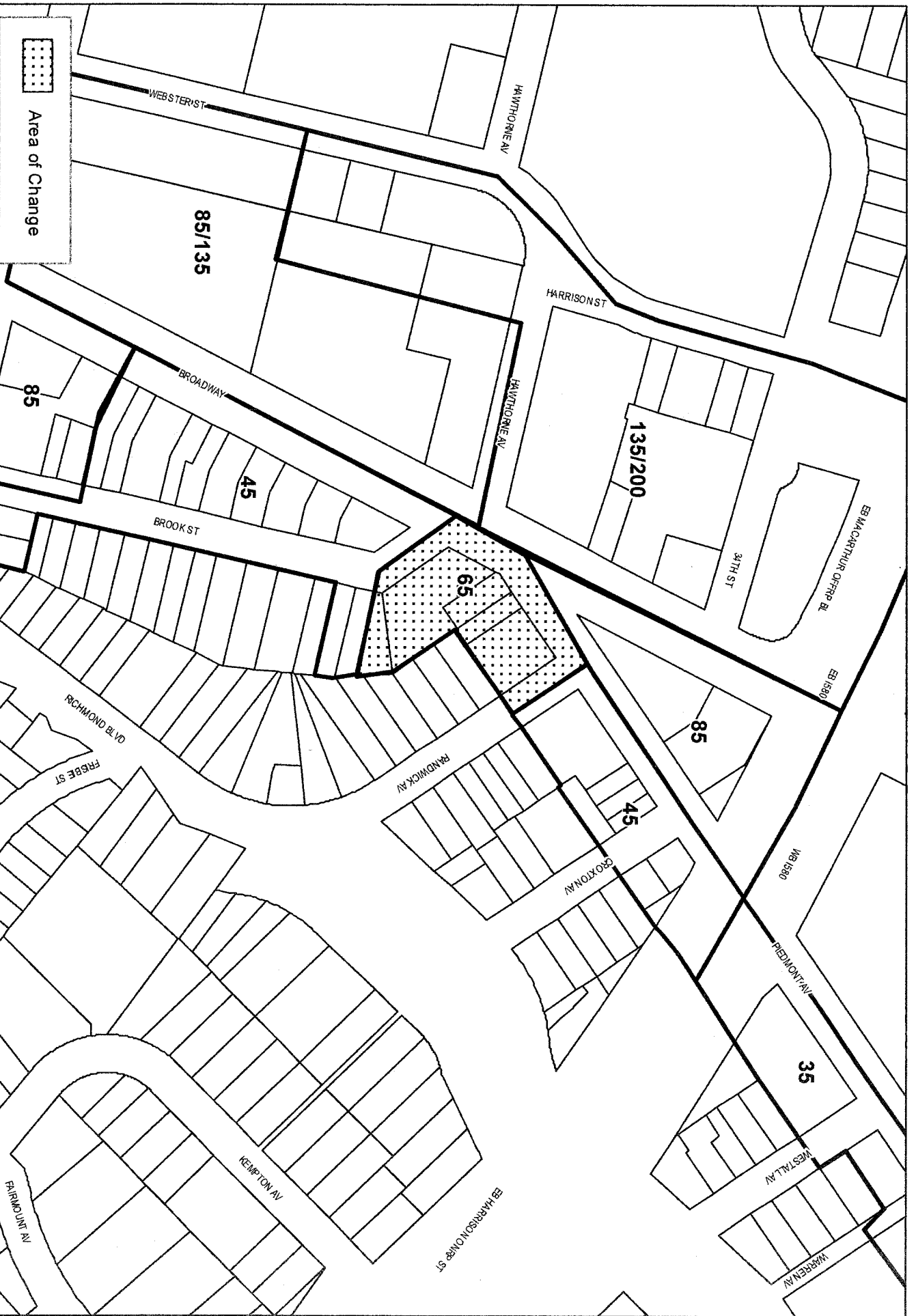


ATTACHMENT E



Zoning Update: Broadway & Piedmont

Proposed Height Limits





Zoning Update: Broadway & Piedmont

Existing Height Limits



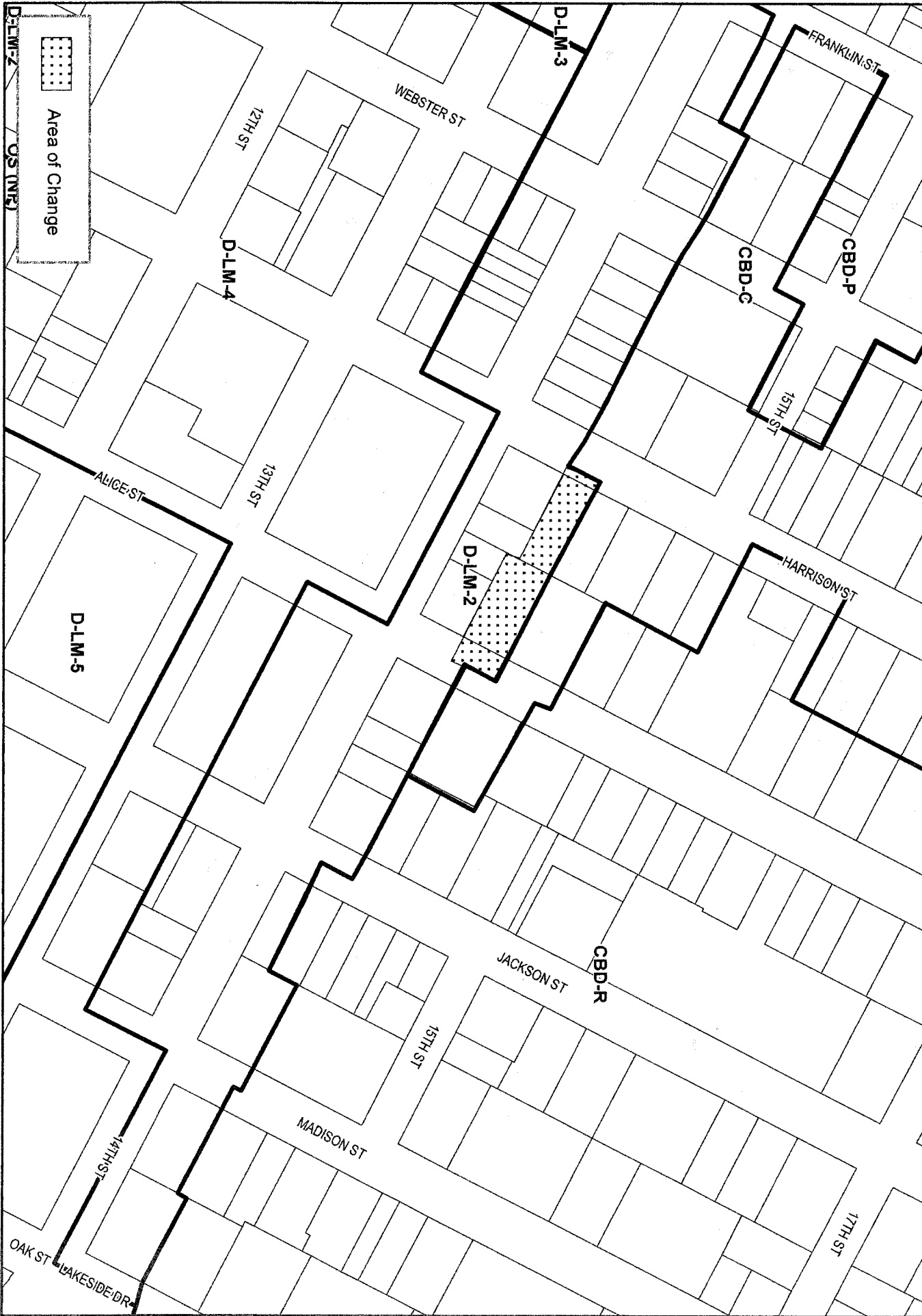
ATTACHMENT F



CITY OF OAKLAND

Zoning Update: 14th St & Alice St

Proposed Zoning



Planning and Building Department August 2015



Zoning Update: 14th St & Alice St

Existing Zoning



0 250 500 ft

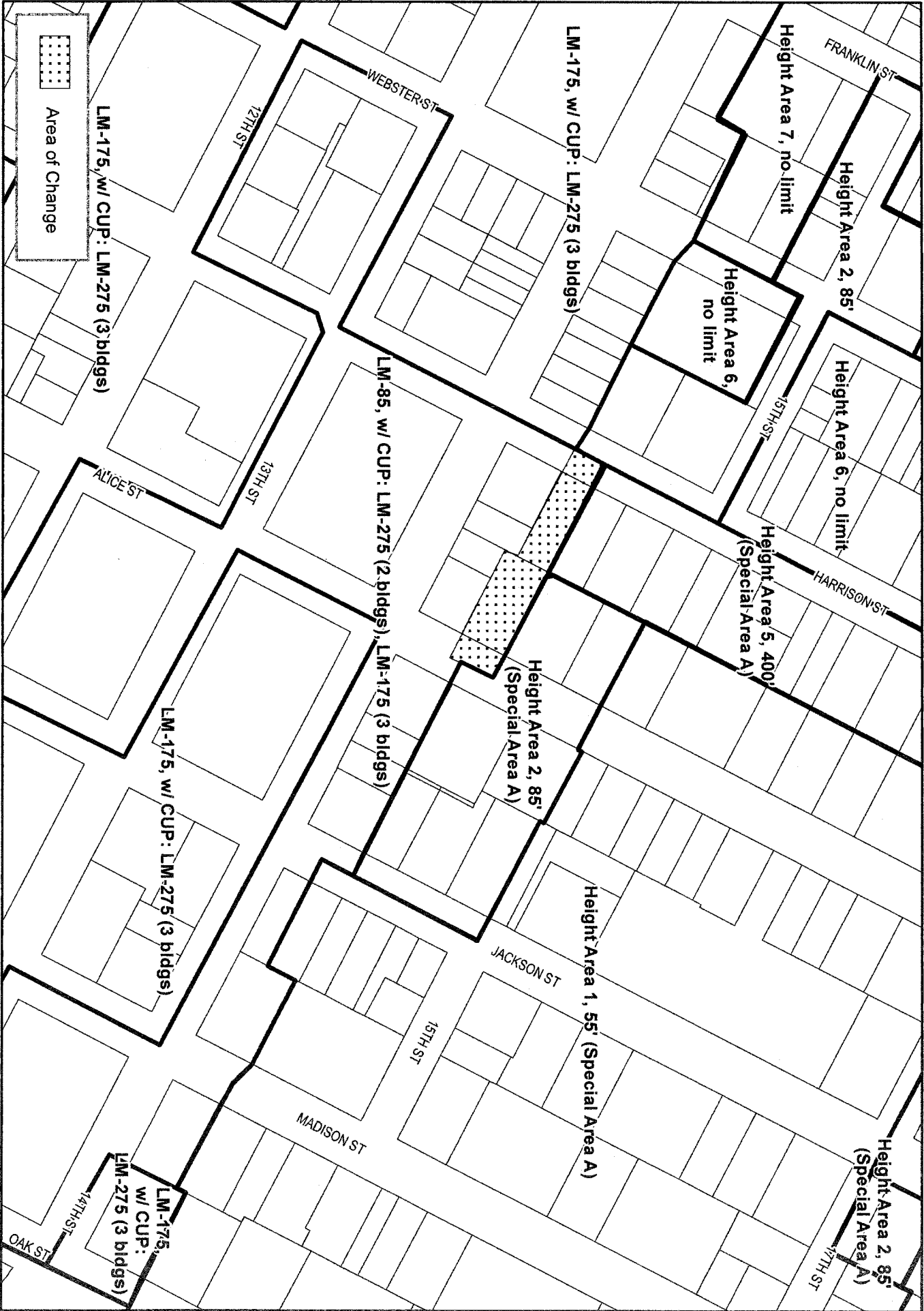


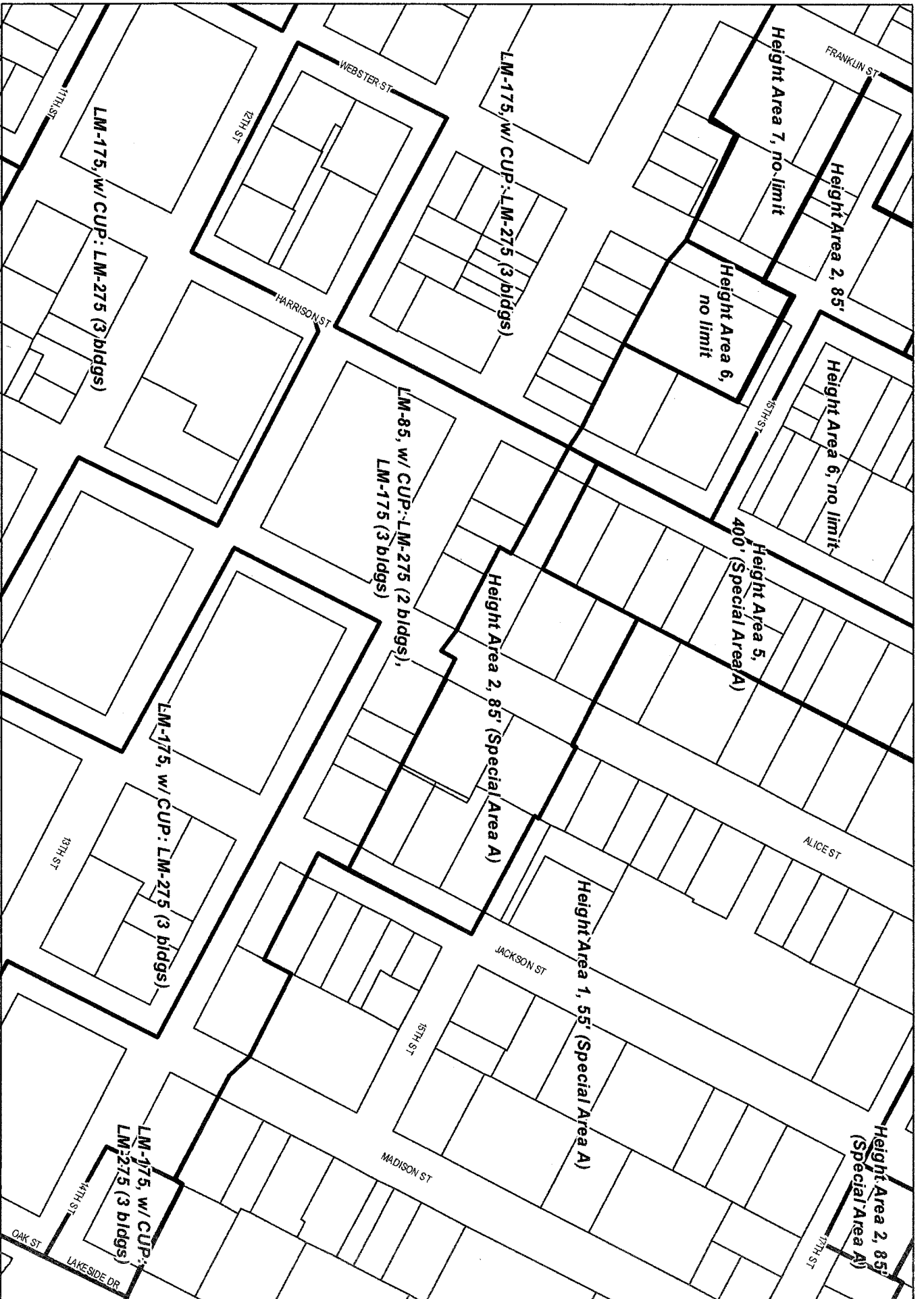


CITY OF OAKLAND

Zoning Update: 14th St & Alice St

Proposed Height Limits





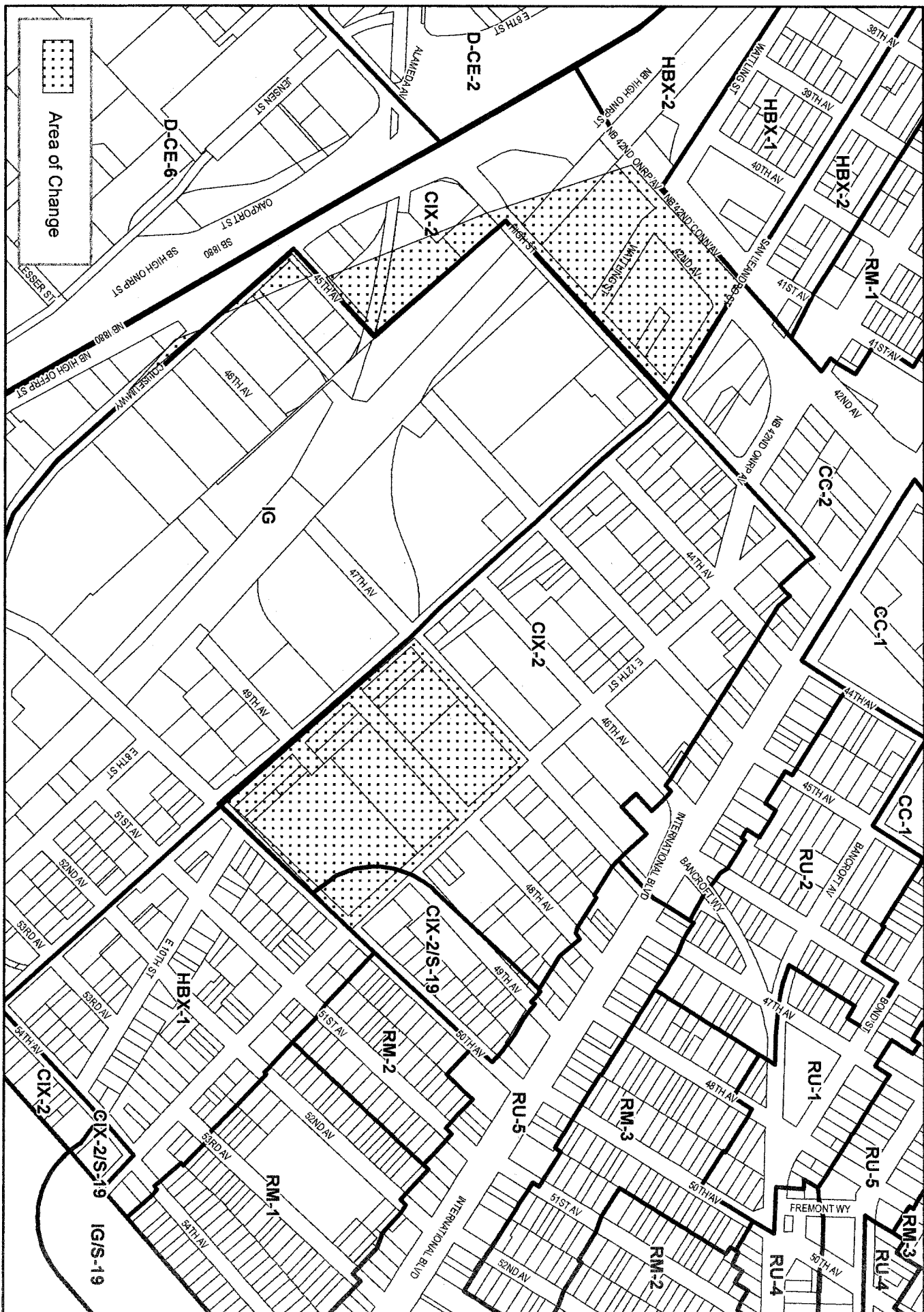
Zoning Update: 14th St & Alice St
Existing Height Limits



ATTACHMENT G



Proposed Zoning





Existing Zoning

