

## OAKLAND CITY COUNCIL

**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**ORDINANCE TO PROMOTE COST-EFFICIENT CONSTRUCTION  
INNOVATION AND EXPANDED HOUSING OPTIONS BY:**

**(1) AMENDING THE OAKLAND PLANNING CODE (OAKLAND MUNICIPAL CODE (OMC) TITLE 17) TO (A) ALLOW RESIDENTIAL OCCUPANCY OF RECREATIONAL VEHICLES (RVs), MOBILE HOMES, AND MANUFACTURED HOMES IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE PERMITTED, (B) ESTABLISH DENSITY AND OPEN SPACE REGULATIONS FOR EFFICIENCY DWELLING UNITS, AND (C) ESTABLISH HEIGHT REGULATIONS FOR MODULAR CONSTRUCTION;**

**(2) AMENDING THE OAKLAND BUILDING CONSTRUCTION CODE (OMC CHAPTER 15.04) TO ADOPT VOLUNTARY APPENDIX R TO THE CALIFORNIA RESIDENTIAL CODE (LIGHT STRAW-CLAY CONSTRUCTION);**

**(3) MAKING CONFORMING AMENDMENTS TO THE BLIGHT ORDINANCE (OMC CHAPTER 8.24), BUILDING MAINTENANCE CODE (OMC CHAPTER 15.08), AFFORDABLE HOUSING IMPACT FEES ORDINANCE (OMC CHAPTER 15.72), AND TRANSPORTATION AND CAPITAL IMPROVEMENTS IMPACT FEES ORDINANCE (OMC CHAPTER 15.74);**

**(4) STAYING ENFORCEMENT OF OMC SECTIONS 8.24.020(F)(2) AND 8.24.020(G) FOR 120 DAYS; AND**

**(5) EXEMPTING RV PARKS OWNED, OPERATED, AND MAINTAINED BY NON-PROFIT ORGANIZATIONS FOR PERMANENT, TEMPORARY, OR EMERGENCY USE, SUBJECT TO THE PLANNING CODE STANDARDS, FROM THE SPECIAL OCCUPANCY PARKS ACT (HEALTH AND SAFETY CODE SECTION 18200 ET SEQ) PURSUANT TO HEALTH AND SAFETY CODE SECTION 18865.4;**

**AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, Oakland has a housing affordability crisis. According to the Bay Area Equity Atlas, since 2011, apartment rents in the city have increased 72 percent while median incomes have remained relatively unchanged; and

**WHEREAS**, high construction costs contribute to the high cost of housing in Oakland and the Bay Area. According to the Turner Center for Housing Innovation at U.C. Berkeley, construction costs in the Bay Area have risen 119 percent in the past decade; and

**WHEREAS**, innovative construction and alternative forms of housing have the potential to reduce construction costs so that housing can be provided at a lower cost; and

**WHEREAS**, in 2014, the Oakland City Council adopted the 2015-2023 Housing Element of the Oakland General Plan which contained strategies to improve housing affordability including supporting manufactured and factory-built housing; and

**WHEREAS**, in 2016, the Oakland Housing Cabinet, a task force comprised of the Mayor, City Councilmembers, affordable and market-rate housing developers, housing policy experts, community advocacy organizations, and City staff, released the report Oakland At Home, which contained recommended strategies to improve housing affordability including promoting innovative forms of cost-saving construction; and

**WHEREAS**, in 2018, the City Council adopted Resolution No. 87129 C.M.S. to encourage development of expanded housing options such as tiny homes, shipping container homes, manufactured housing, recreational vehicles (RVs), and trailers; and

**WHEREAS**, the Special Occupancy Parks Act (Health and Safety Code sections 18860 *et seq.*) and the implementing regulations (Title 25 of the California Code of Regulations, sections 2000 *et seq.*) govern the design, permitting, utility installation, and occupancy of RV parks, defined as lots containing more than one RV that will be held out for rent or lease, but lots containing only one RV, or multiple RVs when no rent is charged, are not subject to such State laws; and

**WHEREAS**, on July 28, 2020, the City Council adopted Ordinance No. 13611 C.M.S., which created a pilot program to allow one (1) RV on vacant land, subject to specific health and safety standards and a one-year operating permit; and

**WHEREAS**, on June 1, 2021, the City Council adopted Resolution No. 88675 C.M.S. which, among other things, directed staff to report back to City Council with action to regulate and permit RV parks in Oakland, with specific requirements; and

**WHEREAS**, the proposed amendments to the Planning Code would create a new facility type, Vehicular Residential Facilities, that would allow RVs to be used for permanent residential use in all zones where residential uses are permitted; and

**WHEREAS**, the proposed amendments would create a new chapter in the Planning Code to govern the density, separation, occupancy, utility connections, fire safety, health and habitability standards, and parking requirements applicable to Vehicular Residential Facilities; and

**WHEREAS**, currently mobile homes and manufactured homes that are not on permanent foundations are only permitted in the S-6 Mobile Home Combining Zone, but these facilities are effectively prohibited because this combining zone is not currently mapped anywhere in the City of Oakland; and

**WHEREAS**, the proposed amendments would remove the S-6 Mobile Home Combining Zone from the Planning Code and would treat mobile homes and manufactured homes as one-family dwellings whether or not on permanent foundations; and

**WHEREAS**, tiny homes on permanent foundations are governed by Appendix Q to the California Residential Code, but tiny homes on wheels are not considered buildings and may be defined and permitted as RVs if in compliance with the applicable American National Standards Institute (ANSI) and/or National Fire Prevention Association (NFPA) standards; and

**WHEREAS**, the proposed amendments would establish density and open space regulations for efficiency dwelling units, which are smaller than regular dwelling units, to be equal to the standards currently in effect for rooming units, and would reduce the maximum size of efficiency dwelling units from 500 square feet to 400 square feet; and

**WHEREAS**, the proposed amendments would increase the height limit for volumetric modular buildings by one (1) foot for every story to account for their unique construction process; and

**WHEREAS**, the 2019 California Building Standards Code contains California Residential Code Appendix Q (Tiny houses) and Appendix S (Strawbale Construction), both of which are mandatory for local agency adoption, and Appendix R (Light Straw-Clay Construction) which may be voluntarily adopted by local agencies; and

**WHEREAS**, on December 10, 2019, the City Council adopted the 2019 California Building Standards Code, with local administrative and non-administrative amendments, including Appendix Q (Tiny Houses) and Appendix S (Strawbale Construction) to the California Residential Code, however, Appendix R (Light Straw-Clay Construction) to the California Residential Code, was not adopted at that time; and

**WHEREAS**, the City Council does hereby determine that there is a need to adopt Appendix R related to light straw-clay construction because such construction can be cost-effective; and

**WHEREAS**, the adoption of these Appendix R regulations would provide minimum standards to safeguard life and limb, property, and public welfare; and

**WHEREAS**, the proposed amendments would amend the Affordable Housing Impact Fee (OMC Chapter 5.72) and the Transportation and Capital Improvements Impact Fee (OMC Chapter 5.74) to exempt Vehicular Residential Facilities from these impact fees because, due their small size, they are typically provided at affordable costs and would result in limited impacts to transportation and capital facilities, and because it is in the interest of the city to promote such cost-effective housing options; and

**WHEREAS**, OMC sections 8.24.020(F)(2) and 8.24.020(G) currently prohibit parking of RVs in residential zones for longer than 72 hours or for the purpose of living or sleeping, and the proposed amendments would allow permanent residential uses in conformance with the Planning Code; and

**WHEREAS**, several property owners are currently subject to code enforcement actions for violations of OMC sections 8.24.020(F)(2) and/or 8.24.020(G), and the City Council desires to provide an opportunity for property owners to apply to legalize these uses; and

**WHEREAS**, Health and Safety Code section 18865.4 exempts RV parks owned, operated, and maintained by non-profit organizations for temporary, permanent, or emergency use from the Special Occupancy Parks Act if the local agency adopts an ordinance enabling this exemption; and

**WHEREAS**, the proposed amendments to the Oakland Municipal Code are in the public interest because they will promote cost-efficient construction innovation in Oakland and expand the types of housing options available to residents thereby reducing the cost of housing and improving affordability in the city; and

**WHEREAS**, on June 2, 2021, the City Planning Commission conducted a duly noticed public hearing to consider the proposed amendments to the Oakland Planning Code, found the proposed amendments consistent with the Oakland General Plan and related plans and policies, and recommended that the City Council approve the proposed amendments and make findings under the California Environmental Quality Act; and

**WHEREAS**, on October 26, 2021, the Community and Economic Development Committee of the City Council conducted a duly noticed public meeting and voted to recommend approval of the proposed amendments; and

**WHEREAS**, on [hearing date to be inserted], the City Council conducted a duly noticed public hearing to consider the proposed amendments, and all interested parties were provided ample opportunity to participate in said hearing and express their views; and

**WHEREAS**, the proposed amendments do not require further environmental review under the California Environmental Quality Act (CEQA) because they are consistent with the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General

Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required pursuant to CEQA Guidelines Sections 15162 and 15163. In addition, 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 15303 (new construction or conversion of small structures).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The City Council finds and determines that the foregoing recitals are true and correct and an integral part of the City Council’s decision, and hereby adopts such recitals as findings.

**SECTION 2. CEQA.** The City Council hereby determines, after independent review of the record, that the adoption of the Ordinance complies with the requirements of CEQA. The City Administrator, or designee, shall cause to be filed a Notice of Exemption and/or Determination, as appropriate and required, with the appropriate agencies.

**SECTION 3. Amendments to Oakland Planning Code.** The Oakland Planning Code (OMC Title 17) is hereby amended as shown in *Exhibit A*, attached hereto, incorporated into, and made a part hereof.

**SECTION 4. Amendments to Oakland Building Construction Code.** The Oakland Building Construction Code (OMC Chapter 15.04) is hereby amended as shown in *Exhibit B*, attached hereto, incorporated into, and made a part hereof.

**SECTION 5. Conforming amendments to Oakland Municipal Code.** The Oakland Municipal Code is hereby amended as shown in *Exhibit C*, attached hereto, incorporated into, and made a part hereof.

**SECTION 6. Administrative Regulations.** The City Administrator is hereby authorized to develop and require compliance with technical bulletins and/or regulations to facilitate compliance with this Ordinance.

**SECTION 7. Non-Profit RV Parks.** This Ordinance hereby allows non-profit organizations that own, operate, and maintain RV parks for temporary, permanent, or emergency residential use within the City of Oakland to take advantage of the exemption to the State Special Occupancy Parks Act as provided for in Health and Safety Code section 18865.4, if such RV Parks are in conformance with the Oakland Municipal Code amendments adopted herein.

**SECTION 8. Effective Date.** This Ordinance shall become effective 60 calendar days after final adoption.

**SECTION 9. Effect on Existing Code Enforcement Cases.** Property owners with existing citations for violations of OMC sections 8.24.020(F)(2) or 8.24.020(G) shall, upon written request, be granted a 120-day stay of enforcement of said violations to apply for City approvals to allow such activities pursuant to the Oakland Municipal Code, except that all imminent hazards

must be abated immediately. The applicant shall obtain and successfully implement City approvals within one year of submitting the application, except this deadline may be extended if the process is delayed by unusual circumstances beyond the control of the applicant, as determined by the Director of the Planning and Building Department (“Director”). The applicant must demonstrate, at the time of application and to the satisfaction of the Director, that there will be adequate disposal of wastewater throughout the application process. No additional City-imposed fines, penalties, or liens for violation of OMC 8.24.020(F)(2) or 8.24.020(G) shall accrue during the 120-day stay or during the City approval process as long as all applications for City approval are active and parties are diligently pursuing City approval and maintaining adequate utility services to RVs. Any stay of enforcement granted pursuant to this section shall apply only to violations of OMC sections 8.24.020(F)(2) and 8.24.020(G). All other violations shall be enforced according to standard operating procedures. If existing citations are not abated by receiving City approvals to allow such activities, City staff shall provide to existing RV occupants information on available resources and services for relocation.

**SECTION 10. Three-Year Review and Report.** The City Administrator shall conduct a review of the implementation of this Ordinance within three years and report back to City Council with information concerning the number, type, and compliance with this Ordinance of Vehicular Residential Facilities in the city and any recommended changes to this Ordinance.

**SECTION 11. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Date of Attestation: \_\_\_\_\_

**EXHIBIT A**  
**AMENDMENTS TO THE OAKLAND PLANNING CODE**  
**(OAKLAND MUNICIPAL CODE, TITLE 17)**

The Oakland Planning Code (Title 17 of the Oakland Municipal Code) is hereby amended as follows. Additions are shown in double-underline and deletions are shown in ~~strike-through~~. Note that only the relevant code subsections being amended are included.

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**Chapter 17.09 DEFINITIONS**

**17.09.040 Definitions.**

"~~Efficiency d~~Efficiency Dwelling unit" means a dwelling unit containing only a single habitable room other than a kitchen, ~~or containing a total of less than five hundred (500) square feet of floor area~~ and containing a total floor area of four hundred (400) square feet or less.

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

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**Chapter 17.10 USE CLASSIFICATIONS**

**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.

A. Residential Facilities:

~~Mobile Home~~ Vehicular

**Article III Facility Types**

**Part 1 Residential Facility Types**

17.10.700 ~~Mobile Home~~ Vehicular Residential Facilities.

**17.10.640 - One-Family Dwelling Residential Facilities.**

One-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains one dwelling unit. One-Family Dwelling Residential Facilities also include manufactured homes, as defined in Health and Safety Code Section 18007, and mobile homes, as defined in Health and Safety Code Section 18008. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

**17.10.700 ~~Mobile Home~~ Vehicular Residential Facilities.**

~~Mobile Home~~ Vehicular Residential Facilities include ~~vehicular facilities which accommodate or are intended to accommodate Residential Activities and each of which contains a living unit.~~ recreational vehicles as defined in Health and Safety Code Section 18010. They do not include manufactured homes, as defined in Health and Safety Code Section 18007; mobile homes, as defined in Health and Safety Code Section 18008; or structures installed on a permanent foundation. They also include certain facilities accessory to the above, as specified in Section 17.10.070.



**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

**Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS**

**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	
<b>Residential Facilities</b>					
Mobile Home <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>

**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	
<b>Minimum Setbacks</b>					
Minimum front (≤20% street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	5, 6, <u>18</u>
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	5, 6, 7, <u>18</u>
Minimum interior side ≤20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	8, 9, <u>18</u>
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	8, 9, <u>18</u>
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	5, 10, <u>18</u>

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Rear	35 ft.	35 ft.	25 ft.	20 ft.	7, 10, 11, <u>18</u>
<b>Height Regulations for All Lots with a Footprint Slope of ≤20%</b>					
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
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	13, 14

**Additional Regulations for Table 17.13.03:**

13. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
14. 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 ~~v~~Variance, ~~e~~Conditional ~~u~~Use ~~p~~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.
18. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- 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. "N/A" designates the regulation is not applicable to the specified footprint slope category.

**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

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

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 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 in certain situations.~~

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

**Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS**

**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	
<b>Residential Facilities</b>			
<del>Mobile Home</del> <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>

**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. "N/A" indicates that a standard is not applicable in the specified zone.

**Table 17.15.03: Property Development Standards**

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
<b>Minimum Setbacks</b>			
Minimum front (<20% street-to-setback gradient)	20 ft.	20 ft.	6, <u>21</u>
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8, <u>21</u>
Minimum interior side <20% footprint slope	5 ft.	5 ft.	9, 10, <u>21</u>
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11, <u>21</u>
Minimum street side	5 ft.	5 ft.	8, 9, 12, <u>21</u>

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Rear	20 ft.	15 ft.	9, 13, 14, <u>21</u>
<b>Reduced Setbacks for Smaller Lots</b>	See Table 17.15.04 for reduced setbacks for smaller lots		<u>21</u>
<b>Height Regulations for All Lots with a Footprint Slope of &lt;20%</b>			
Maximum wall height primary building	25 ft.	25 ft.	14, <u>15</u> , 16
Maximum pitched roof height primary building	30 ft.	30 ft.	14, <u>15</u> , 16
Maximum height for accessory structures	15 ft.	15 ft.	14, <u>15</u> , 16

**Additional Regulations for Table 17.15.03:**

15. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings.~~in certain situations.
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 ~~V~~Variance, ~~C~~Conditional ~~U~~Use ~~p~~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.
21. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- B. Reduced 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 Reduced Setbacks for Smaller Lots**

Regulation	Lot Size		Additional Regulations
	≤ 4,000 sf or < 40 feet wide	≤ 3,000 sf or < 35 feet wide	
<b>Minimum Setbacks</b>			
Minimum interior side	4 ft.	3 ft.	<u>1, 2</u>
Minimum street side	4 ft.	3 ft.	<u>1, 2</u>
Rear	15 ft.	15 ft.	<u>1, 2</u>

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

**Additional Regulations for Table 17.15.04:**

2. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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. "N/A" designates the regulation is not applicable to the specified footprint slope category.

**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
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:**

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

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

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

**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*	
<b>Residential Facilities</b>						
<del>Mobile Home</del> Vehicular	— <u>P</u>	— <u>P</u>	— <u>P</u>	— <u>P</u>	— <u>P</u>	<u>17.103.085</u>

**17.17.050 Property development standards.**

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

**Table 17.17.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
<b>Minimum Setbacks for Lots Equal to or Greater than Four Thousand (4,000) Square Feet</b>					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5, 7, <u>20</u>
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7, <u>20</u>
Minimum interior side	5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.	1, 7, 8, 9, <u>20</u>
Minimum street side	5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.	1, 4, 7, 8, 10, <u>20</u>

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Rear	15 ft.	15 ft.	15 ft.	15 ft.	11, <u>20</u>
<b>Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet)</b>	See Table 17.17.04 for reduced setbacks for smaller lots				<u>20</u>
<b>Height Regulations for All Lots with a Footprint Slope of &lt;20%</b>					
Maximum wall height primary building	25 ft.	25 ft.	30 ft.	35 ft.	12, 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	35 ft.	12, 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	12

**Additional Regulations for Table 17.17.03:**

12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
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 ~~v~~Variance, ~~e~~Conditional ~~u~~Use ~~p~~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.
20. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- 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
	≤ 4,000 sf. or ≤ 40 feet wide	≤ 3,000 sf. or ≤ 35 feet wide	
<b>Minimum Setbacks</b>			
Minimum front (≤20% street-to-setback gradient)	15 ft.	15 ft.	<u>1, 2</u>
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	<u>1, 2</u>



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Minimum interior side	4 ft.	3 ft.	<u>1, 2</u>
Minimum street side	4 ft.	3 ft.	<u>1, 2</u>
Rear	15 ft.	15 ft.	<u>1, 2</u>

**Additional Regulations for Table 17.17.04:**

2. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- 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. "N/A" designates the regulation is not applicable to the specified footprint slope category.

**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
	> 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 Payment	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:**

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

**Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS**

**17.19.040 Permitted and conditionally permitted facilities.**

Table 17.19.02 lists the permitted, conditionally permitted, and prohibited facilities in the RU 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	
<b>Residential Facilities</b>						
<del>Mobile Home Vehicular</del>	<del>—P</del>	<del>—P</del>	<del>—P</del>	<del>—P</del>	<del>—P</del>	<u>17.103.085</u>

**17.19.050 Property development standards.**

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

**Table 17.19.03: Property Development Standards**

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Maximum Density</b>						
Permitted density for <del>R</del> Regular <del>D</del> Dwelling <del>U</del> Units	1 unit per 1,100 sf. of lot area	1 unit per 800 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	2
Permitted density for <del>R</del> Rooming <del>U</del> Units	N/A	1 unit per 800 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<u>Permitted density for Efficiency Dwelling Units</u>	<u>N/A</u>	<u>1 unit per 800 sf. of lot area</u>	<u>1 unit per 450 sf. of lot area</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	
<b>Minimum Setbacks</b>						
Minimum front (≤20% street-to-setback gradient) for Residential Facilities	15 ft.	10 ft.	10 ft.	5 ft.	0 ft.	3, 4, 5, 6, <u>20</u>
Minimum front (>20% street-to-setback gradient) for Residential Facilities	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3, 4, 5, 6, <u>20</u>
Minimum front for Commercial Facilities	15 ft.	10 ft.	10 ft.	0 ft.	0 ft.	3, <u>20</u>
Minimum interior side	4 ft.	4 ft.	0 ft.	0 ft.	0 ft.	3, 7, 8, <u>20</u>
Minimum street side	4 ft.	4 ft.	4 ft.	0 ft.	0 ft.	3, 4, 7, 9, <u>20</u>
Rear (Residential Facilities)	15 ft.	15 ft.	15 ft.	10/15 ft.	10/15 ft.	3, 7, 10, 11, <u>20</u>
Rear (Nonresidential Facilities)	15 ft.	15 ft.	15 ft.	0/10/15 ft.	0/10/15 ft.	3, 10, 11
<b>Reduced Setbacks for Smaller Lots &lt; 3,000 sf. or &lt; 35 ft. wide</b>						
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A	3, 8, <u>20</u>
Minimum street side	3 ft.	3 ft.	3 ft.	N/A	N/A	3, 4, 8, <u>20</u>
<b>Height Regulations</b>						
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	12 ft.	12 ft.	12

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum separation between the grade and ground floor living space	N/A	N/A	N/A	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	
<b>Minimum Usable Open Space</b>						
Group usable open space per <u>Regular Dwelling Unit</u>	175 sf.	175 sf.	150 sf.	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per <u>Regular Dwelling Unit</u> when private open space is substituted	50 sf.	30 sf.	30 sf.	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per <u>Rooming Unit</u>	85 sf.	85 sf.	75 sf.	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per <u>Rooming Unit</u> when private open space substituted	15 sf.	15 sf.	15 sf.	See Table 17.19.04	See Table 17.19.04	19
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>85 sf.</u>	<u>85 sf.</u>	<u>75 sf.</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>19</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space substituted</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	<u>19</u>

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**Additional Regulations for Table 17.19.03:**

14. Buildings in the RU 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 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 17.19.03 [Additional Regulation 14], 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 in certain situations.~~
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.
20. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

- B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only. Table 17.19.04 below prescribes height, FAR, intensity, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

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

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
<b>Maximum Height</b>	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	1, 2
<b>Minimum Usable Open Space</b>							
Group usable open space per # <u>Regular Dwelling</u> # <u>Unit</u>	150 sf.	150 sf.	150 sf.	150 sf.	100 sf.	100 sf.	6
Group usable open space per # <u>Regular Dwelling</u> # <u>Unit</u> when private open space substituted	30 sf.	30 sf.	30 sf.	30 sf.	20 sf.	20 sf.	6
Group usable open space per # <u>Rooming</u> # <u>Unit</u>	75 sf.	75 sf.	75 sf.	75 sf.	50 sf.	50 sf.	6

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Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
Group usable open space per <del>R</del> ooming <del>U</del> nit when private open space is substituted	15 sf.	15 sf.	15 sf.	15 sf.	10 sf.	10 sf.	6
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>50 sf.</u>	<u>50 sf.</u>	<u>6</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>15 sf.</u>	<u>10 sf.</u>	<u>10 sf.</u>	<u>6</u>

**Additional Regulations for Table 17.19.04:**

2. Buildings in the RU 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 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 in certain situations.~~
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.

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

**17.30.070 Permitted facilities.**

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

A. Residential Facilities:

Vehicular

**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 primary 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.

A. Permitted Density.

1. Regular Dwelling Units. One (1) ~~Regular~~ Dwelling ~~Unit~~ is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet
  2. Efficiency Dwelling Units. One (1) ~~Efficiency~~ Dwelling ~~Unit~~ is permitted for each ~~two hundred (200) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.~~ 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.
  3. Rooming Units. One (1) ~~Rooming~~ Unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
  4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
  5. One-Family Dwelling. 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~~

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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.

**17.30.160 Maximum height.**

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

**17.30.170 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 Sections 17.108.130 and 17.103.085.

- A. Front Yard. The minimum front yard depth on every lot shall be ten (10) feet.
- B. Side Yard—Interior Lot Line. No side yard is generally required along an interior side lot line except as follows:
  1. A side yard shall be provided, when and as prescribed in Section 17.108.080, opposite a living room window which faces an interior side lot line and which is located on a lot containing Residential Facilities with a total of two (2) or more living units.
- C. Rear Yard. The minimum rear yard depth on every lot shall be ten (10) feet.
- D. Courts. On each lot containing Residential Facilities with a total of two (2) or more living units, courts shall be provided when and as required by Section 17.108.120.

**17.30.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two (2) or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular Dwelling Unit plus one hundred (100) square feet per efficiency dwelling unit plus~~ seventy-five (75) square feet per ~~Rooming Unit or Efficiency Dwelling Unit~~. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.



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**Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS**

**17.33.040 Permitted and conditionally permitted facilities.**

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN 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	
<b>Residential Facilities</b>					
<del>Mobile Home</del> <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>

**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. "N/A" designates a standard is not applicable to the specified zone.

**Table 17.33.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Minimum/Maximum Setbacks</b>					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 15</u>
Maximum front	10 ft.	10 ft.	10 ft.	N/A	<u>3, 15</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	<u>4, 5, 15</u>
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	<u>6, 15</u>
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	<u>7, 8, 15</u>
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8

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**Additional Regulations for Table 17.33.03:**

3. The following notes apply to the maximum front yard requirement:
  - a. The requirements only apply to the construction of new principal buildings.
  - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
  - c. 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~~ approval (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section 17.136.050, the proposal to reduce to fifty percent (50%) must also meet each of the following criteria:
    - i. The 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.

15. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.

- 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. "N/A" designates a regulation is not applicable to the specified Height Area.

**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
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>							
Regular <u>D</u> wellings <del>u</del> Units	550	Same density regulations as abutting RH, RD, or RM Zone	450	375	275	225	4, 5, 6
Rooming <del>u</del> Units	275	Same density regulations as abutting RH, RD, or RM Zone	225	185	135	110	4, 5, 6

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Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
<u>Efficiency Dwelling Units</u>	<u>275</u>	<u>Same density regulations as abutting RH, RD, or RM Zone</u>	<u>225</u>	<u>185</u>	<u>135</u>	<u>110</u>	<u>4, 5, 6</u>
<b>Usable Open Space (square feet per residential unit)</b>							
Group usable open space per <u>Regular Dwelling Unit</u>	150	Same open space regulations as abutting RH, RD, or RM Zone	150	150	150	100	6, 7
Group usable open space per <u>Regular Dwelling Unit</u> when private open space substituted	30	Same open space regulations as abutting RH, RD, or RM Zone	30	30	30	20	6, 7
Group usable open space per <u>Rooming Unit</u>	75	Same open space regulations as abutting RH, RD, or RM Zone	75	75	75	50	6, 7
Group usable open space per <u>Rooming Unit</u> when private open space is substituted	15	Same open space regulations as abutting RH, RD, or RM Zone	15	15	15	10	6, 7
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>75</u>	<u>Same open space regulations as abutting RH, RD, or RM Zone</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>50</u>	<u>6, 7</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>15</u>	<u>Same open space regulations as abutting RH, RD, or RM Zone</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>10</u>	<u>6, 7</u>

**Additional Regulations for Table 17.33.04:**

- 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; 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 in certain situations.

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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 Floor Area Ratio (FAR) unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
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 Zone. 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.

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
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**Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS**

**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.

**a. Table 17.35.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Residential Facilities</b>				
<del>Mobile Home</del> <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	—(L7)	<u>17.108.085</u>

**17.35.50 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. "N/A" designates a standard is not applicable to the specified zone.

**Table 17.35.03: Property Development Standards**

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Minimum/Maximum Setbacks</b>				
Minimum front	0 ft.	0 ft.	0 ft.	<u>2, 14</u>
Maximum front	N/A	10 ft.	N/A	<u>3, 14</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	<u>4, 5, 14</u>
Minimum street side	0 ft.	0 ft.	0 ft.	<u>6, 14</u>
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	<u>7, 8, 14</u>
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
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**Additional Regulations for Table 17.35.03:**

14. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

B. 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. "N/A" designates a regulation is not applicable to the specified Height Area.

**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	
<b>Maximum Height</b>	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	160 ft.	1, 2
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>								
Regular <u>Dwelling</u> $\mu$ Units	550	450	375	275	225	225	225	4, 5
Rooming $\mu$ Units	275	225	185	135	110	110	110	4, 5
<u>Efficiency Dwelling Units</u>	<u>275</u>	<u>225</u>	<u>185</u>	<u>135</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>4, 5</u>
<b>Minimum Usable Open Space</b>								
Group usable open space per $\mu$ Regular <u>Dwelling</u> $\mu$ Unit	150	150	150	150	100	100	100	6
Group usable open space per $\mu$ Regular <u>Dwelling</u> $\mu$ Unit when private open space substituted	30	30	30	30	20	20	20	6
Group usable open space per $\mu$ Rooming $\mu$ Unit	75	75	75	75	50	50	50	6
Group usable open space per $\mu$ Rooming $\mu$ Unit when private open space is substituted	15	15	15	15	10	10	10	6
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>6</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>6</u>

**Additional Regulations for Table 17.35.04:**

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 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 in certain situations.~~

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**AMENDMENTS TO THE OAKLAND PLANNING CODE**  
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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.

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

**Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS**

**17.37.040 Permitted and conditionally permitted facilities.**

Table 17.37.02 lists the permitted, conditionally permitted, and prohibited facilities in the CR 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	
<b>Residential Facilities</b>		
<del>Mobile Home</del> <u>Vehicular</u>	—(L1)	

**17.37.050 Property development standards.**

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:**



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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; 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 in certain~~ situations.

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

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**Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE**

**17.54.070 Permitted facilities.**

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

A. Residential Facilities:

Vehicular

**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 primary 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 17.102.270.B and a Secondary Unit.

A. Basic Permitted Density.

1. Regular Dwelling Units. One (1) ~~rRegular dDwelling uUnit~~ is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet.
2. Efficiency Dwelling Units. One (1) ~~eEfficiency dDwelling uUnit~~ 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.~~ 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.
3. Rooming Units. ~~The maximum number of rooming units shall be one~~ One (1) Rooming Unit is permitted for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwelling. 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.~~ Conditionally Permitted Density. 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 eConditional

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~~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.

**17.54.150 Maximum height.**

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

**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 Sections 17.108.130 and 17.103.085:

- F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

**17.54.170 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular Dwelling Unit plus one hundred (100) square feet per efficiency dwelling unit~~ plus seventy-five (75) square feet per ~~Rooming Unit or Efficiency Dwelling Unit~~. 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 thirty (30) square feet per ~~Regular Dwelling Unit plus twenty (20) square feet per efficiency dwelling unit~~ plus fifteen (15) square feet per ~~Rooming Unit or Efficiency Dwelling Unit~~. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

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**Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS**

**17.56.070 Permitted facilities.**

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

A. Residential Facilities:

Vehicular

**17.56.140 Maximum residential density.**

A. Permitted Density.

1. Regular Dwelling Units. One (1) ~~Regular~~ ~~Dwelling~~ ~~Unit~~ is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
2. Efficiency Dwelling Units. One (1) ~~Efficiency~~ ~~Dwelling~~ ~~Unit~~ is permitted for each ~~two hundred (200) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet.~~ 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.
3. Rooming Units. One (1) ~~Rooming~~ ~~Unit~~ is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwelling. 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.

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AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

**17.56.160 Maximum height.**

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.30.120 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

**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 Sections 17.108.130 and 17.103.085:

F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

**17.56.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular Dwelling Unit plus one hundred (100) square feet per efficiency dwelling unit plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit.~~ Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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AMENDMENTS TO THE OAKLAND PLANNING CODE  
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**Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS <sup>[25]</sup>**

**17.58.050 Permitted and conditionally permitted facilities.**

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD 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	
<b>Residential Facilities</b>					
<del>Mobile Home</del> <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>

**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 standard is not applicable to the specified zone.

**Table 17.58.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Minimum/Maximum Setbacks</b>					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 9</u>
Maximum front and street side for the first story	N/A	5 ft.	5 ft.	10 ft.	<u>3, 9</u>
Maximum front and street side for the second and third stories or 35 ft., whatever is lower	N/A	5 ft.	5 ft.	N/A	<u>3, 9</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	<u>4, 9</u>
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	<u>9</u>
Rear	10 ft.	0 ft.	0 ft.	0 ft.	<u>5, 9</u>

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

**Additional Regulations:**

3. The following notes apply to the maximum yard requirements:
  - 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.

9. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.

- 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 the specified Height/Bulk/Intensity Area.

**Table 17.58.04 Height, Density, Bulk, and Tower Regulations**

Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
<b>Maximum Density (Square Feet of Lot Area Required Per Unit)</b>								
<u>Regular Dwelling Unit</u>	300	200	90	90	90	90	90	1, 2
<u>Rooming Unit</u>	150	100	45	45	45	45	45	1, 2
<u>Efficiency Dwelling Unit</u>	<u>150</u>	<u>100</u>	<u>45</u>	<u>45</u>	<u>45</u>	<u>45</u>	<u>45</u>	<u>1, 2</u>
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
<b>Maximum Height</b>								
Building base	55 ft.	85 ft.	55 ft.	85 ft.	85 ft.	85 ft.	120 ft.	3

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Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Total	55 ft.	85 ft.	170 ft.	275 ft.	400 ft.	No height limit	No height limit	3

**Notes:**

1. See Chapter 17.107 for affordable and senior housing density incentives.
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 in certain situations.~~

**17.58.070 Usable open space standards.**

- 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 Regular Dwelling Unit, and thirty-eight (38) square feet per Rooming Unit or Efficiency Dwelling Unit.



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AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

**Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS**

**17.65.040 Permitted and conditionally permitted facilities.**

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	
<b>Residential Facilities</b>					
<del>Mobile Home</del> <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	C	<u>17.103.085</u>

**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
<u>Regular Dwelling Unit</u>	1,000 sf. of lot area per unit	930 sf. of lot area per unit	730 sf. of lot area per unit	800 sf. of lot area per unit
Rooming Unit	500 sf. of lot area per unit	465 sf. of lot area per unit	365 sf. of lot area per unit	400 sf. of lot area per unit
<u>Efficiency Dwelling Unit</u>	<u>500 sf. of lot area per unit</u>	<u>465 sf. of lot area per unit</u>	<u>365 sf. of lot area per unit</u>	<u>400 sf. of lot area per unit</u>

**17.65.100 Maximum height.**

A. The following table contains the maximum heights for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4

**EXHIBIT A  
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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.
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**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 in certain situations.~~

**17.65.110 Minimum yards and courts.**

- F. This section shall not apply to Vehicular Residential Facilities, which shall comply with the standards contained in Section 17.103.085.

**EXHIBIT A  
AMENDMENTS TO THE OAKLAND PLANNING CODE  
(OAKLAND MUNICIPAL CODE, TITLE 17)**

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

**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.

"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	
<b>Residential Facilities</b>				
<del>Mobile Home</del> <u>Vehicular</u>	—	—(L4)	—	17.103.015

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**Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS**

**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	
<b>Maximum Height</b>	85 ft.	85 ft.	85 ft.	85 ft.	None	55 ft.	None	55 ft.	3, 4

**Additional Regulations Noted in Table 17.73.030**

- For additional regulations regarding height, see Section 17.108.030 (Allowed Projections above Height Limits), Chapter 17.128 (Telecommunications Regulations), Section 17.108.010 for lots lying along a boundary of certain Residential Zones, ~~and~~ Section 17.104.020 for maximum height of Signs, and Section 17.108.020 for increased height limits in certain situations.

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**Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS**

**17.74.050 Permitted facilities.**

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

A. Residential Facilities:

Vehicular

**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 primary 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 17.102.270.B and a Secondary Unit.

A. Permitted Density.

1. Regular Dwelling Units. One ~~(1) Regular Dwelling Unit~~ is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
  2. Efficiency Dwelling Units. One ~~(1) Efficiency Dwelling Unit~~ is permitted for each ~~two hundred (200)~~ one hundred fifty (150) square feet of lot area, ~~provided that one extra such unit is permitted~~ plus one extra such unit if a remainder of ~~one hundred fifty (150)~~ one hundred (100) square feet or more is obtained after division of the lot area by ~~two hundred (200) square feet.~~ one hundred fifty (150) square feet.
  3. Rooming Units. One ~~(1) Rooming Unit~~ is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
  4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
  5. One-Family Dwelling. 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

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~~e~~Conditional ~~u~~Use ~~p~~Permit pursuant to the ~~e~~Conditional ~~u~~Use ~~p~~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.

**17.74.140 Maximum height.**

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.74.100 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

**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:

- F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

**17.74.160 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~r~~Regular ~~e~~Dwelling ~~u~~Unit ~~plus one hundred (100) square feet per efficiency dwelling unit~~ plus seventy-five (75) square feet per ~~r~~Rooming ~~u~~Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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**Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS**

**17.76.070 Permitted facilities.**

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

A. Residential Facilities:

Vehicular

**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 17.102.270.B and a Secondary Unit.

A. Permitted Density.

1. Regular Dwelling Units. One ~~(1)~~ Regular dDwelling uUnit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet.
  2. Efficiency Dwelling Units. One ~~(1)~~ eEfficiency dDwelling uUnit is permitted for each ~~two hundred (200) square feet~~ one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of ~~one hundred fifty (150)~~ one hundred (100) square feet or more is obtained after division of the lot area by ~~two hundred (200)~~ one hundred fifty (150) square feet.
  3. Rooming Units. One ~~(1)~~ RRooming uUnit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
  4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
  5. One-Family Dwelling. 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 eConditional

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~~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.

**17.76.160 Maximum height.**

Except as provided in Chapter 17.128, no general maximum height is prescribed, except that the height of facilities shall be limited, as prescribed in Section 17.108.010, on lots lying along a boundary of any of certain other zones. But see Section 17.76.120 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

**17.76.170 Minimum yards and courts.**

The following minimum yards and courts shall be provided unobstructed except for the structures or the other facilities allowed therein by Section 17.108.130:

- F. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

**17.76.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two (2) or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~Regular~~ ~~Dwelling~~ ~~Unit~~ ~~plus one hundred (100) square feet per efficiency dwelling unit~~ plus seventy-five (75) square feet per ~~Rooming~~ ~~Unit~~ or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.



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**Chapter 17.78 S-3 RESEARCH CENTER COMMERCIAL ZONE REGULATIONS**

**17.78.120 Maximum height.**

Except for the projections allowed by Section 17.108.030, and except as provided in Chapter 17.128, no building shall exceed forty-five (45) feet in height unless the building, or that portion thereof which exceeds forty-five (45) feet in height, is set back from the inner line of each of the minimum side yards required by Section 17.78.130C a minimum horizontal distance equal to one (1) foot for each two (2) feet by which it exceeds forty-five (45) feet in height. See Section 17.78.090 for maximum height of Signs, ~~and~~ Section 17.108.130 for maximum height of facilities within minimum yards and courts, and Section 17.108.020 for increased height limits in certain situations.

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**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 Zone 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 Chapter shall be known as the S-6 Mobile Home Combining Zone Regulations. The Mobile Home Combining (S-6) Zone is intended to create, preserve, and enhance areas containing attractive Mobile Home Parks, and is typically appropriate to a variety of living environments with good access to major thoroughfares. These regulations shall apply in the S-6 Zone, and are supplementary to the regulations applying in the zones with which the S-6 Zone is combined.~~

~~{Prior planning code § 6350}~~

**~~17.82.020 Zones with which the S-6 Zone may be combined.~~**

~~The S-6 Zone may be combined only with a Residential or Commercial Zone.~~

~~{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 Zone is combined:~~

~~A.—Residential Facilities:~~

~~1.—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 Park shall be one (1) Mobile Home for each three thousand three hundred (3,300) square feet of lot area in such park.~~

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- ~~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}~~

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

**17.97.050 Permitted and conditionally permitted facilities.**

Table 17.97.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-15 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 17.97.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	S-15	S-15W	
<b>Residential Facilities</b>			
Mobile Home <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>

**17.97.060 Property development standards.**

- A. Zone Specific Standards. Table 17.97.03 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 17.97.03: Property Development Standards**

Activities	Zones		Additional Regulations
	S-15	S-15W	
<b>Minimum/Maximum Setbacks</b>			
Minimum front	0 ft.	0 ft.	<u>2, 8</u>
Minimum interior side	0 ft.	0 ft.	<u>3, 8</u>
Minimum street side	0 ft.	0 ft.	<u>4, 8</u>

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Activities	Zones		Additional Regulations
	S-15	S-15W	
Rear (Residential Facilities)	10 ft.	10 ft.	5, 6, <u>8</u>
Rear (Nonresidential Facilities)	0/10 ft.	0/10 ft.	5, 6

**Additional Regulations for Table 17.97.03:**

8. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.

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

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

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

Regulation	Height Area										Additional Regulations
	35	45	55	60	75	90	100	120	140	160	
<b>Maximum Height</b>	35 ft.	45 ft.	55 ft.	60 ft.	75 ft.	90 ft.	100 ft.	120 ft.	140 ft.	160 ft.	1, 2
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>											
Regular <u>Dwelling</u> <u>u</u> Units	550	450	375	375	275	225	225	225	225	225	4, 5
Rooming <u>u</u> Units	275	225	185	185	135	110	110	110	110	110	4, 5
<u>Efficiency Dwelling Units</u>	<u>275</u>	<u>225</u>	<u>185</u>	<u>185</u>	<u>135</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>110</u>	<u>4, 5</u>
<b>Minimum Usable Open Space</b>											
Group usable open space per <u>Regular Dwelling</u> <u>u</u> Unit	150	150	150	150	100	100	75	75	75	75	6
Group usable open space per <u>Regular Dwelling</u> <u>u</u> Unit when private open space substituted	30	30	30	30	20	20	15	15	15	15	6
Group usable open space per <u>Rooming</u> <u>u</u> Unit	75	75	75	75	50	50	38	38	38	38	6

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Group usable open space per <del>R</del> ooming <del>U</del> nit when private open space is substituted	15	15	15	15	10	10	8	8	8	8	6
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>50</u>	<u>50</u>	<u>38</u>	<u>38</u>	<u>38</u>	<u>38</u>	<u>6</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>8</u>	<u>8</u>	<u>8</u>	<u>8</u>	<u>6</u>

**Additional Regulations for Table 17.97.01:**

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 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 in certain situations~~.
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.

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

**17.101A.030 Property development standards.**

- A. Zone Specific Standards. Table 17.101A.02 below prescribes development standards specific to individual D-WS Zones in the Wood Street Zoning District. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified D-WS Zone.

**Table 17.101A.02 – Property Development Standards**

Development Standards	Zones									Additional Regulations <sup>s</sup>
	D-WS-1	D-WS-2	D-WS-3	D-WS-4	D-WS-5	D-WS-6	D-WS-7	D-WS-8	D-WS-9	
<b>Maximum Height</b>										
Max. Height	65 ft.	65 ft.	50 ft.	50 ft.		65 ft.	90 ft.	90 ft.	N/A	2
<b>Minimum Street Setbacks</b>										
Wood Street	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	N/A	<u>4, 8</u>
12th Street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
Frontage Road	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
14th Street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
Public Access Areas	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>
<b>Minimum Interior Setbacks</b>										
Min. Interior Setbacks	5 ft.	5 ft.	10 ft.	5 ft.	5 ft.	5 ft.	0 ft.	0 ft.	N/A	<u>4, 8</u>

**Additional Regulations for Table 17.101A.02:**

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. See also Section 17.108.020 for increased height limits in certain situations.
8. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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

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

Table 17.101C.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-BV 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 17.101C.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
<b>Residential Facilities</b>						
Mobile Home-Vehicular	<u>—C(L2)</u>	<u>—C(L3)</u>	<u>—C(L4)</u>	<u>—P</u>	<u>—P(L5)</u>	<u>17.103.085</u>

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

**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	
<b>Minimum/Maximum Setbacks</b>						
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0-4 ft.	2, 3, <u>14</u>
Maximum front	5 ft.	5 ft.	10 ft.	N/A	5 ft.	4, <u>14</u>



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Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5, 6, <u>14</u>
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>7, 14</u>
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	8, 9, <u>14</u>
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	9

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

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

14. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.

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

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

Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
<b>Maximum Height</b>									
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
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>									
Regular <u>Dwelling</u> <u>u</u> Units	450	N/A	375	275	275/200	200	200/150	90	3, 5, 6
Rooming <u>u</u> Units	225	N/A	185	135	135/100	100	100/75	45	3, 5, 6

\*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

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developments, or taller Non-residential Facilities in the Height Area 45\* when part of a large project that involves major retail development.

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

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; 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 in certain situations.~~

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

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

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

"—" 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	
<b>Residential Facilities</b>				
Mobile Home <u>Vehicular</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>

**17.101D.110 Maximum height for new construction.**

The maximum heights for new construction in the D-KP Zones shall be as follows, except as permitted in Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits in certain situations:

- A. In the D-KP-1 Zone, the maximum building height for the Medical Office Building shall be eighty-five (85) feet. The maximum height of any freestanding parking structure shall be forty-one (41) feet (two (2) stories of parking above ground floor retail, with rooftop parking allowed).
- B. In the D-KP-2 Zone, the maximum height for the new hospital tower shall be two hundred ten (210) feet.
- 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.

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

**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	
<b>Residential Facilities</b>							
Mobile Home Vehicular	—(L1)	—(L1)	— P	—(L1)	—(L1)	—(L1)	<u>17.103.085</u>

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

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

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

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
<b>Minimum/Maximum Setbacks</b> See also "Design Guidelines for the Central Estuary" Section 3.3.							
Minimum front	0 ft.	0 ft.	10 ft.	10 ft.	5 ft.	5 ft.	<u>2, 20</u>
Minimum interior side	0 ft.	0 ft.	4 ft.	0 ft.	0 ft.	0 ft.	<u>2, 20</u>
Minimum street side of a corner lot	0 ft.	0 ft.	4 ft.	5 ft.	5 ft.	5 ft.	<u>2, 20</u>
Rear (residential facilities)	N/A	N/A	10 ft.	10 ft.	N/A	N/A	<u>3, 20</u>
Rear (nonresidential facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 20</u>
<b>Reduced Setbacks for Smaller Lots</b>	See Table 17.101E.04 for reduced setbacks for smaller lots						<u>20</u>
<b>Height Regulations</b> See also "Design Guidelines for the Central Estuary" Section 4.2.							
Maximum height	45 ft.	85 ft.	45/55 ft.	75 ft.	85 ft.	N/A	4, 5, 6, 7
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b> See also "Design Guidelines for the Central Estuary" Section 4.3.							
Regular <u>Dwelling</u> Units	N/A	N/A	700	700	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	350	N/A	N/A	9, 10
<u>Efficiency Dwelling</u> Units	<u>N/A</u>	<u>N/A</u>	<u>350</u>	<u>350</u>	<u>N/A</u>	<u>N/A</u>	<u>9, 10</u>
<b>Minimum Usable Open Space</b> See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per <u>Regular Dwelling</u> <u>Unit</u>	N/A	N/A	150 sf.	100 sf.	N/A	N/A	11
Group usable open space per <u>Regular Dwelling</u> <u>Unit</u> when private open space substituted	N/A	N/A	30 sf.	20 sf.	N/A	N/A	11
Group usable open space per <u>Rooming</u> <u>Unit</u>	N/A	N/A	75 sf.	50 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	
Group usable open space per <del>Rooming</del> <del>Unit</del> when private open space is substituted	N/A	N/A	15 sf.	10 sf.	N/A	N/A	11
<u>Group usable open space per Efficiency Dwelling Unit</u>	<u>N/A</u>	<u>N/A</u>	<u>75 sf.</u>	<u>50 sf.</u>	<u>N/A</u>	<u>N/A</u>	<u>11</u>
<u>Group usable open space per Efficiency Dwelling Unit when private open space is substituted</u>	<u>N/A</u>	<u>N/A</u>	<u>15 sf.</u>	<u>10 sf.</u>	<u>N/A</u>	<u>N/A</u>	<u>11</u>

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

4. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any lot line that directly abuts a lot with a residential building. This maximum height increases one (1) foot for every foot away from the applicable setback line if the residential building on the abutting lot has a height of thirty (30) feet or less. If the residential building on the abutting lot has a height of greater than thirty (30) feet, the maximum height increases four (4) feet for every foot away from the applicable setback line. An increase in allowable height resulting from construction away from a setback line shall not result in a height greater than the maximum height allowed in the zone. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~
6. In the D-CE-3 Zone, the maximum heights may be exceeded in the following situations: Structures that are either: 1) on lots adjacent to, or directly across the street from a freeway right-of-way or Bay Area Rapid Transit (BART) right-of-way that contains above-ground tracks; 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). See also the "Design Guidelines for the Central Estuary", Section 3 and 4.
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 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. 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.
10. 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.

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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. 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").
20. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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**Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS**

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

Table 17.101F.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-GI Zone. 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 17.101F.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zone	Additional Regulations
	D-GI	
<b>Residential Facilities</b>		
<del>Mobile Home</del> <u>Vehicular</u>	—	

**17.101F.050 - Property development standards.**

Table 17.101F.03 below prescribes development standards specific to the D-GI Zone. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.101F.03: Property Development Standards**

Development Standards	D-GI Zone	Additional Regulations
<b>Maximum Building Height</b>	65 ft	2, 3

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

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



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

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

Table 17.101G.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-LM 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	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Residential Facilities</b>						
Mobile Home-Vehicular	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>—P</u>	<u>17.103.085</u>

**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 standard is not applicable to the specified 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	
<b>Minimum Lot Dimensions</b>						
Width	25 ft.	25 ft.	50 ft.	50 ft.	50 ft.	1
Frontage	25 ft.	25 ft.	50 ft.	50 ft.	50 ft.	1

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Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Minimum/Maximum Setbacks</b>						
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 9</u>
Maximum front and street side for the first story	N/A	5 ft.	5 ft.	10 ft.	N/A	<u>3, 9</u>
Maximum front and street side for the second and third stories or thirty-five (35) feet, whatever is lower	N/A	5 ft.	5 ft.	N/A	N/A	<u>3, 9</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>9</u>
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>9</u>
Rear	10 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>9</u>
Average minimum setback from the Lake Merritt Estuary Channel	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	<u>4, 9</u>

**Additional Regulations:**

3. The following notes apply to the maximum yard requirements:
  - c. 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 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.

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9. Vehicular Residential Facilities shall be located a minimum of thirty (30) feet from the street or be located behind a building. See Section 17.103.085 for additional setback and separation requirements for Vehicular Residential Facilities.

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

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

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
<b>Maximum Height</b>					
Building Base	45 ft.	45 ft.	45 ft. base;  85 ft. base upon granting of CUP and additional findings in Note 2.a, b, c	45 ft. base;  85 ft. base upon granting of CUP and additional findings in Note 2.a, b, c	1
<b>Maximum Residential Density (Square Feet of Lot Area Required Per Unit)</b>					
<u>Regular eDwelling uUnit</u>	450	225	110	110	2, 4
Rooming uUnit	225	110	55	55	2, 4
<u>Efficiency Dwelling Unit</u>	<u>225</u>	<u>110</u>	<u>55</u>	<u>55</u>	<u>2, 4</u>

**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 in certain situations.~~
2. Height Area Exceptions. 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 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

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- c. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.

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

- i. Applications for any of the limited number of allowed height area exceptions prescribed in Table 17.101G.04 shall be reviewed on a first come, first served basis.
  - ii. A project shall secure a position as one of the specified height area exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.
  - iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.
4. For mixed use projects in the D-LM Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.

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

- 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**

<b>Type of Living Unit</b>	<b>Minimum Open Space Area Required</b>
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
<u>Efficiency Dwelling Unit</u>	<u>Thirty-eight (38) square feet per unit</u>
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

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

**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	
<b>Residential Facilities</b>							
Mobile Home Vehicular	<u>P</u>	<u>P</u>	—	<u>C</u>	—	—	<u>17.103.08</u> <u>5</u>

**17.101H.050 Property development standards.**

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

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

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Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
<b>Minimum/Maximum Setbacks</b>							
Minimum front	0 ft.	0 ft.	0/10 ft.	0 ft.	10 ft.	0/10 ft.	<u>2, 10</u>
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>2, 10</u>
Minimum street side of a corner lot	0 ft.	0 ft.	0 ft.	0 ft.	10 ft.	10 ft.	<u>2, 10</u>
Rear (Residential Facilities)	10 ft.	10 ft.	N/A	10 ft.	N/A	N/A	<u>2, 3, 10</u>
Rear (Nonresidential Facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	<u>3, 10</u>
<b>Height Regulations</b>							
Maximum height	159 ft.	159 ft.	159 ft.	85 ft.	85 ft.	85 ft.	4, 5, 6  Exceptions to the maximum height of 159 feet may be allowed in D-CO-1, -2, and -3, pursuant to the additional regulations in this Table
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>							

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Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Regular <u>Dwelling</u> Units	130	130	N/A	260	N/A	N/A	
Rooming Units	65	65	N/A	130	N/A	N/A	
<u>Efficiency Dwelling Units</u>	<u>65</u>	<u>65</u>	<u>N/A</u>	<u>130</u>	<u>N/A</u>	<u>N/A</u>	
<b>Minimum Usable Open Space</b>							
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	
<u>Usable open space per Efficiency Dwelling Unit</u>	<u>38 sf.</u>	<u>38 sf.</u>	<u>N/A</u>	<u>50 sf.</u>	<u>N/A</u>	<u>N/A</u>	

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

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 Zone. In addition, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abuts a lot in a RH, RD, RM, or RU Zone; 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 in certain situations.
8. Parking Lot Landscaping applies only to lots associated with new construction of more than ten thousand (10,000) square feet of floor area. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces through the parking lot. A minimum of ten percent (10%) of a surface

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parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through the ~~Design~~ ~~Review~~ process (see Chapter 17.136). Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot tall opaque, concrete, or masonry wall with a minimum three (3) foot deep planted area. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.

10. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.



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

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

Table 17.101J.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-OK 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 and Section 17.101J.070 for the CUP procedure and criteria).

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

"—" designates facilities that are prohibited.

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

Facilities	Zones							Additional Regulations
	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	
<b>Residential Facilities</b>								
<del>Mobile Home</del> <u>Vehicular</u>	<u>P</u>	<u>P</u>	<u>C</u>	—	—	—	—	<u>17.103.085</u>

**17.101J.050 – Property development standards.**

- A. Zone Specific Standards. Table 17.101J.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 17.101J.03: Property Development Standards**

Development Standards	Zones							Additional Regulations
	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	
<b>Minimum/Maximum Setbacks</b>								
Minimum Front	15 ft./5 ft.	8 ft.	8 ft.	0 ft.	20 ft.	8 ft.	N/A	3, 4, 5, 6, 10, <u>19</u>
Minimum Interior Side	4 ft./5 ft.	3 ft. per side or a	4 ft.	0 ft./5 ft.	20 ft.	4 ft.	N/A	7, 8, 10, <u>19</u>

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		total of 5 ft.						
Minimum Street Side	5 ft.	5 ft.	5 ft.	0 ft.	20 ft.	0 ft.	N/A	10, <u>19</u>
Rear	15 ft.	12 ft.	N/A	0 ft./5 ft.	20 ft.	0ft.	N/A	9, 10, <u>19</u>
<b>Heights</b>								
Maximum wall height primary building	30 ft. and 2 stories	35 ft. and 3 stories	35 ft.	30 ft.	42 ft.	15 ft.	N/A	12
Maximum pitched roof height primary building	32 ft. and 2 stories	35 ft. and 3 stories	40 ft.	30 ft.	46 ft.	20 ft.	N/A	12
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	12
Height Regulations for all Lots with a Footprint Slope of > 20% or that are terraced or split	See Table 17.101J.04	N/A	N/A	N/A	N/A	N/A	N/A	

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

12. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits ~~for civic buildings in certain situations.~~ See Table 17.101J.04 for height regulations for all lots with a footprint slope exceeding twenty (20) percent, or that are terraced or split. In the D-OK-5 Zone, the maximum height is measured from the ground level of the building, and the tower of Club Knoll is an allowed projection above the height limit. Also in the D-OK-5 Zone, for any building other than Club Knoll or a replica of Club Knoll, the height limit is the same as in the D-OK-4 Zone.

19. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

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**Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE  
CLASSIFICATIONS**

**17.103.085 Vehicular Residential Facilities.**

The following regulations shall apply to the construction, establishment, or alteration of Vehicular Residential Facilities wherever permitted, as specified in each individual zone:

- A. Classification. A Vehicular Residential Facility shall be considered a Dwelling Unit. A Vehicular Residential Facility may be considered an Accessory Dwelling Unit in accordance with Section 17.09.040. The regulations contained in Section 17.103.080 shall not apply to a Vehicular Residential Facility considered an Accessory Dwelling Unit, except that the restriction on Accessory Dwelling Units in certain locations for life safety reasons and the maximum density standard shall apply.
- B. Density. Each Vehicular Residential Facility shall equal one (1) Dwelling Unit for the purpose of determining compliance with the allowable density. The allowable density shall be established according to the applicable individual zone regulations.
- C. Setbacks. No yard setbacks are required. Vehicular Residential Facilities located within the required front yard setback specified in the applicable individual zone regulations shall be located on an existing driveway and not extend beyond the lot line or adjacent sidewalk.
- D. Minimum Separation. A minimum of six (6) feet of separation shall be required between a Vehicular Residential Facility and another Vehicular Residential Facility or a building on the same or adjacent lot.
- E. Maximum Height. The height limit for Vehicular Residential Facilities shall be as prescribed in the applicable individual zone regulations.
- F. Parking. Except as specified in Subsections 1 and 2 below, the minimum parking requirements for Vehicular Residential Facilities shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. If an existing parking space is removed to establish a Vehicular Residential Facility, no replacement parking is required for the removed space. Tandem parking may be permitted according to the regulations in Section 17.116.240.
  1. Vehicular Residential Facilities that are located on sites within: (i) one-half (½) mile of a public Transit Stop; (ii) an Area of Primary Importance (API) or Area of Secondary Importance (ASI), as defined in the Historic Preservation Element of the General Plan; or (iii) one (1) block of a dedicated car share parking space shall have no parking requirement.
  2. Vehicular Residential Facilities that are self-propelled shall have no parking requirement.
- G. Ground Surface. Vehicular Residential Facilities shall be located on an all-weather surface, such as asphalt, concrete, pavers, decomposed granite, or gravel. This requirement only applies to the ground surface immediately under the Vehicular Residential Facility and all pedestrian walkways. Vehicular Residential Facilities shall comply with the limitation on paved surfaces within street-fronting yards contained in the individual zone regulations.

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- H. Habitability. Vehicular Residential Facilities shall be designed and operated in accordance with the following:
1. Comply with all applicable State and local habitability and tenantability standards related to dwelling units;
  2. Be structurally sound and protect its occupants against the weather;
  3. Include within each unit permanent provisions for living and sleeping, including adequate heating and lighting; and
  4. Provide occupants with 24-hour on-site access to potable water and a kitchen, and 24-hour on-site access to a clean, lighted, code compliant toilet, bathing facilities, and a lavatory sink under the occupants' control that can be secured from the inside. For Vehicular Residential Facilities subject to the requirements of the Special Occupancy Park Act (pursuant to Subsection N below), potable water, kitchens, toilets, bathing facilities, and lavatory sinks shall be provided within each unit. For Vehicular Residential Facilities not subject to the requirements of the Special Occupancy Park Act (pursuant to Subsection N below) that do not contain in-unit toilets, bathing facilities, or lavatory sinks, a minimum of one (1) toilet, one (1) bathing facility, and one (1) lavatory sink is required for every five (5) Vehicular Residential Facilities.
- I. Utility Connections. Potable water, wastewater disposal, and power shall be provided with the issuance of required permits as specified below.
1. Potable water. Each Vehicular Residential Facility containing in-unit plumbing facilities shall be connected to the municipal water system.
  2. Wastewater disposal. Each Vehicular Residential Facility containing in-unit plumbing facilities shall be connected to the municipal sewer system. Graywater discharge for landscape irrigation is allowed in accordance with State and City regulations.
  3. Power supply. Each Vehicular Residential Facility shall be connected to the municipal electrical and/or gas system or an on-site, off-grid, alternative system such as solar power, wind power, or propane fuel that supplies sufficient energy to meet the demand of each unit and all connected loads. Fuel-powered generators are not allowed.
- J. Health and Safety Standards. Vehicular Residential Facilities shall comply with Health and Safety Code Section 18027.3, and shall at all times bear a label or insignia certifying compliance with either the American National Standards Institute (ANSI) A119.2 or A119.5 standards, or the National Fire Prevention Association (NFPA) 1192 standards, as applicable, in accordance with Health and Safety Code Section 18027.3.
- K. Fire Safety. Heating systems and liquid propane gas storage and delivery systems shall be maintained in accordance with the manufacturer's requirements. Every sleeping area and hallway providing access to the sleeping area shall be provided with operable smoke detectors. Street numbers visible from the street shall be posted to identify the property address.
- L. Refuse, Trash, and Debris Maintenance. The lot and immediate area surrounding each Vehicular Residential Facility shall be maintained in a safe and clean manner at all times, and comply with Oakland Municipal Code Chapter 8.24. An occupant of a Vehicular Residential Facility shall not throw, deposit, discharge, leave, or permit to be thrown, deposited, discharged, or left, any oil, grease, refuse, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, gutter, storm drain, inlet, catch basin, conduit or other

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drainage system, or upon any public or private parcel of land in the City. Adequate refuse collection service is required.

- M. Inspections. Each newly installed Vehicular Residential Facility shall be inspected upon installation to verify compliance with the regulations contained in this section. On an annual basis, a subset of all previously installed units shall be inspected to verify ongoing compliance.
- N. Parks. An area or tract of land containing two (2) or more Vehicular Residential Facilities that are held out for rent or lease shall comply with the applicable requirements of State law, including the Special Occupancy Parks Act, Health and Safety Code Section 18200, et seq., the Special Occupancy Park Regulations, California Code of Regulations, Title 25, Section 2000 et seq., and the Recreational Vehicle Park Occupancy Law, California Civil Code Section 799.20 et seq. In cases where the regulations contained within this section conflict with State law, State law shall govern. The provisions of State law shall not apply to parks owned, operated, and maintained by non-profit entities or public agencies pursuant to Health and Safety Code Section 18865.4. If no monetary rent or other consideration will be charged to occupy the space or the Vehicular Residential Facilities, or the park is owned, operated, and maintained by a non-profit entity, the applicant shall record a notice of limitation with the Alameda County Recorder stating that these State law requirements will apply in the event rent is later charged or the park is no longer owned, operated, and maintained by a non-profit entity.

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**Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS**

**17.108.020 Different maximum height in certain situations.**

- A. General Height Provisions for Volumetric Modular Projects. Volumetric modular construction is defined as construction that involves building six-sided modules constructed of floors, walls, and ceiling off-site, designing to the same codes and standards as conventionally built structures, and then transporting the modules to the construction site for installation.

The maximum allowed height of Residential and Nonresidential Facilities constructed using volumetric modular construction shall be increased above the height limit prescribed in the applicable individual zone regulations by one (1) foot for each building story. For example, if the individual zone regulations limit height to a maximum of sixty (60) feet, eligible facilities with six (6) stories would be allowed a maximum height of sixty-six (66) feet.

For facilities utilizing this provision, prior to the issuance of building permits the proposed volumetric modular construction methods must be confirmed to implement the height increase. If modular methods are not confirmed, the project shall be built according to the applicable individual zone height regulations.

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**Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS**

**17.116.060 Off-street parking—Residential Activities.**

A. Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.

1. Minimum Parking. Except as otherwise provided in Article III and elsewhere in this Title, 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:

<b>Residential Facility Type</b>	<b>Zone</b>	<b>Total Required Parking</b>
<del>Mobile Home.</del>	<del>CBD, S-2, and D-LM Zones</del>	<del>No spaces required.</del>
<u>Vehicular.</u>	All zones.	<del>One (1) space for each dwelling unit plus one (1) additional space for each four (4) dwelling units. See Section 17.103.085.</del>

2. Maximum Parking for Permanent and Semi-Transient Residential Activities. No more than the following amounts of off-street parking are permitted for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

<b>Residential Facility Type</b>	<b>Zone</b>	<b>Maximum Number of Parking Spaces</b>
One-Family Dwelling. Two-Family Dwelling. Multifamily Dwelling.	CBD, S-15, D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces per dwelling unit.
<del>Mobile Home.</del>	All other zones.	No maximum parking requirement.
Rooming House.	CBD, S-15, D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces per each two <del>Rooming</del> <u>Units</u> .
	All other zones.	No maximum parking requirement.
<u>Vehicular.</u>	<u>All zones.</u>	<u>See Section 17.103.085.</u>

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**Chapter 17.117 BICYCLE PARKING REQUIREMENTS**

**17.117.090 - Required bicycle parking—Residential Activities.**

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 Chapter:

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Permanent and Semi-Transient Residential Activities occupying the specified facilities:</b>		
6) <del>Mobile Home</del> <u>Vehicular</u> .	<del>1 per 20 units</del> <u>No spaces required.</u>	No spaces required.

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**Chapter 17.136 DESIGN REVIEW PROCEDURE**

**17.136.025 Exemptions from design review.**

- A. Applicability. A proposal will be exempt from design review if it meets each of the provisions set forth below. All such determinations are final and not appealable:
  - 2. The proposal does not require ~~d~~Design ~~r~~Review, ~~e~~Conditional ~~u~~Use ~~p~~Permit or ~~v~~Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
- B. Definition. The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):
  - 3. Other Projects.
    - b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district.;
    - c. Projects involving no more than four (4) Vehicular Residential Facilities pursuant to Section 17.103.085, and projects involving any number of Vehicular Residential Facilities when occupied by an Emergency Shelter Residential Activity and located in an area where Emergency Shelter Residential Activities are permitted by-right pursuant to Section 17.103.015.

**17.136.040 Regular ~~d~~Design ~~r~~Review.**

- A. Applicability. "Regular ~~d~~Design ~~r~~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 ~~p~~Project ~~d~~Design ~~r~~Review as set forth in Section 17.136.030, or Special ~~p~~Project ~~d~~Design ~~r~~Review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Nonresidential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, projects requiring Regular ~~d~~Design ~~r~~Review include, but are not limited to, the following types of work:
  - 1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, ~~s~~Small ~~p~~Project ~~d~~Design ~~r~~Review as set forth in Section 17.136.030, or ~~s~~Special ~~p~~Project ~~d~~Design ~~r~~Review as set forth in Section 17.136.038;
  - 9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or ~~s~~Small ~~p~~Project ~~d~~Design ~~r~~Review as set forth in Section 17.136.030;
  - 13. Proposals involving five (5) or more Vehicular Residential Facilities.
- B. Pre-Application Review—Regular Design Review. Prior to application for ~~r~~Regular ~~d~~Design ~~r~~Review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review



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of the proposal. During a pre-application review, the City representative will 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.

- C. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning—Decisions Not Ultimately Appealable to City Council.
  - 1. Decision by the Director of City Planning. An application for ~~Regular~~ Design ~~Review~~ that is not referred to the City Planning Commission for initial decision as specified in Section 17.136.040(D) shall be considered by the Director of City Planning.
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
  - 1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for Regular ~~Design~~ Review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in more than twenty-five thousand (25,000) square feet of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, 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.

**EXHIBIT B**  
**AMENDMENTS TO THE OAKLAND BUILDING CONSTRUCTION CODE**  
**(OAKLAND MUNICIPAL CODE, TITLE 15, CHAPTER 15.04)**

The Oakland Building Construction Code (Title 15, Chapter 15.04, of the Oakland Municipal Code) is hereby amended as follows. Additions are shown in double-underline and deletions are shown in ~~strike-through~~.

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**Chapter 15.04 – OAKLAND AMENDMENTS TO THE CALIFORNIA MODEL BUILDING CONSTRUCTION CODES**

**Article III – Non-Administrative (Technical) Amendments**

**Part 2.5 – California Residential Code Non-Administrative (Technical) Amendments**

**15.04.3.25.160 - CRC Appendix R.**

Adopt Appendix R Light Straw-Clay Construction, California Residential Code, in its entirety.

## EXHIBIT C

### MISCELLANEOUS CONFORMING AMENDMENTS TO THE OAKLAND MUNICIPAL CODE

The Oakland Municipal Code is hereby amended as follows. Additions are shown in double-underline and deletions are shown in ~~strike through~~. Note that only the relevant code subsections being amended are included.

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#### Chapter 8.24 - PROPERTY BLIGHT

##### 8.24.020 - Blighted property defined.

Any property on which there exists any one or more of the following conditions or activities is a blighted property for the purpose of this Chapter:

- G. Activities Prohibited in Areas Zoned for Residential Uses.
  - 2. The use of any trailer, camper, recreational vehicle or motor vehicle for living or sleeping quarters in any place in the city, outside of a lawfully operated mobile home park or travel trailer park or as otherwise lawfully permitted by provisions of the Oakland Municipal Code, subject to the following:
    - a. Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a trailer, camper, or recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two (72) consecutive hours.
    - b. Any trailer, camper, or recreational vehicle ~~so used~~ shall not discharge any waste or sewage into the city's sewer system except through the residential discharge connection of the residential premises on which the trailer, camper or recreational vehicle is parked.

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**Chapter 15.08 - OAKLAND BUILDING MAINTENANCE CODE**

**15.08.030 Scope.**

The provisions of this Code shall apply to real property and to all residential and non-residential buildings and structures or portions thereof used, or designed or intended to be used, for human occupancy and habitation and all accessory buildings and structures on the same lot or parcel. Such occupancies in existing buildings may continue as provided in the Oakland Building Construction Code, except where the Building Official has issued an order to vacate after such structures as are found to be substandard and public nuisance as defined in this Code.

Where any building or portion thereof is used or intended to be used as a combination apartment house and hotel or combination non-residential and residential occupancies, the provisions of this Code shall apply to the separate portions as if they were separate buildings.

Rooming houses, congregate residences, lodging houses, vehicular residential facilities, and joint live work quarters shall comply with all the requirements of this Code for dwellings.

**15.08.060 Effect on other codes, regulations, and ordinances of adoption of the Oakland Building Maintenance Code.**

Unless expressly stated herein, this Code is not intended to amend, repeal, or supersede provisions of any other codes, regulations, or ordinances of the City of Oakland, including but not limited to, the Demolition Ordinance, Earthquake Damage Abatement Ordinance, Dangerous Building Ordinance, Grading Ordinance, Blight Abatement Ordinance, Weed Abatement Ordinance, Administrative Penalty Ordinance, Window Security Bar Ordinance, Solid Waste Collection and Disposal and Recycling Ordinance, Oakland Planning Code, Oakland Building Construction Code, and Oakland Fire Code.

In any specific section or case where there is a conflict within or between or among provisions, the most restrictive which prescribes and establishes the higher standard of safety or public benefit shall prevail and control except that the most recently adopted Oakland Building Construction Code shall prevail over this Code, and where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

Neither the adoption of this Code nor the repeal hereby of any City ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof or be construed as a waiver of any license or fee or penalty at such effective date due and unpaid under such ordinance relating to the collection of any such license or fee penalty or the penal provisions applicable to any violations thereof.

For existing residential and non-residential buildings or structures that were not Substandard and Public Nuisance at the time of adoption of this Code and that have not subsequently become Substandard and Public Nuisance, the Building Official may allow application of standards contained within provision of the Oakland Building Maintenance Code or the Oakland Building Construction Code in effect at the time the building or structure was constructed, whichever is more stringent.

**15.08.080 General.**

- E. Responsibilities Defined. Owners remain liable for violation of duties imposed by this Code even though an obligation is also imposed on the occupants of the building, and even though

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owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Building and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.

Owners, in addition to being responsible for maintaining buildings and structures in a sound structural condition, shall be responsible for keeping that part of the building or premises that the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall, when required by this Code or the Health Officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or mailing.

Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises that they occupy and control, shall dispose of their rubbish, garbage and other organic waste in a manner required by the Oakland Municipal Code, Chapter 8.24 (Property Blight) and Chapter 8.28 (Solid Waste Collection and Disposal and Recycling), and approved by the Health Officer.

Occupants shall, when required by this Code, the Oakland Municipal Code, Chapters 8.24 and 8.28, or the Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

**15.08.150 Certificate of occupancy.**

A. General. It shall be unlawful to occupy or otherwise use or let to another for occupancy or other use any building or structure or portion thereof for which a Certificate of Occupancy has not been issued where such Certificate is required by the Oakland Building Construction Code or in the case of vehicular residential facilities, a zoning permit authorizing such occupancy.

A Certificate of Occupancy shall limit the use and occupancy of a building or structure and shall continue as valid until such Certificate is revoked or expires, or until such time as a change in the occupancy or use of the building or structure or a Substandard condition as defined in Article X of this Code shall occur, or until the building or structure is demolished.

A Certificate of Occupancy shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions or requirement of any laws or ordinances of the City of Oakland nor shall such issuance thereafter prevent requiring corrections of errors or of violations of any applicable law or ordinance of the City of Oakland.

C. Revocation. An existing or temporary certificate of occupancy, or zoning permit authorizing occupancy of a vehicular residential facility, may be revoked for one (1) or more of the following causes and thereafter no longer be valid:

1. Any occupancy or use not specifically authorized by or any violation of or failure to comply with a condition of the issuance of an existing or temporary the certificate of occupancy; or
2. Continued existence of substandard and public nuisance conditions as defined in Article X of this Code; or
3. Discovery of any false statement or misrepresentation made by the applicant; or
4. Any condition which jeopardizes the health or safety of the occupants or the public.

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Any building or structure for which a certificate of occupancy or temporary certificate of occupancy has expired or has been revoked may be ordered vacated in accordance with Article XI of this Code.

**15.08.170 Definitions (HSC Section 17910, et seq.).**

DWELLING UNIT is a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation or a vehicular residential facility as defined herein. For purposes of accessible units under Cal. Code of Regulations Title 24 Chapter 11A, a dwelling unit is a single unit of residence for a family of one (1) or more persons, and includes condominiums, apartments, and other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one (1) room or portion of the dwelling. Examples of the latter include dormitory rooms and sleeping accommodations in shelters intend for occupancy as residences for homeless persons.

VEHICULAR RESIDENTIAL FACILITY is a recreational vehicle as defined in Health and Safety Code Section 18010 which has been authorized for residential occupancy pursuant to the Oakland Planning Code, or a recreational vehicle that has not been authorized for residential occupancy but is rented or offered for rent for living or dwelling purposes.

**15.08.210 Room dimensions.**

E. This section shall not apply to vehicular residential facilities authorized for residential occupancy pursuant to the Oakland Planning Code.

**15.08.230 Sanitation (HSC Section 17910, et seq.).**

- A. Dwelling Units, Lodging Houses, and Congregate Residences. Dwelling units, lodging houses, and congregate residences shall be provided with a bathroom equipped with plumbing fixtures consisting of a water closet, lavatory and either a bathtub or a shower receptor.

Exception: Vehicular residential facilities authorized for residential occupancy pursuant to the Oakland Planning Code need not contain a bathroom in-unit if the occupants are provided adequate on-site water closet, lavatory, and shower facilities meeting the requirements of Oakland Planning Code Section 17.103.085.

- C. Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with an approved kitchen sink, cooking appliance, refrigeration appliance and cabinet for storing food, crockery, cutlery, and cooking utensils. Wooden sinks or sinks of similarly absorbent material shall not be permitted. Drain boards shall be maintained water-proofed.

Exception: Vehicular residential facilities authorized for residential occupancy pursuant to the Oakland Planning Code need not contain a kitchen in-unit if the occupants are provided on-site kitchen facilities meeting the requirements of Oakland Planning Code Section 17.103.085.

**15.08.340 Substandard Buildings (HSC § 17920.3).**

Any residential or non-residential building or structure or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building and a public nuisance:

**EXHIBIT C**  
**MISCELLANEOUS CONFORMING AMENDMENTS TO THE OAKLAND**  
**MUNICIPAL CODE**

- A. Inadequate sanitation shall include, but not be limited to, the following:
- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
  - (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
  - (3) Lack of, or improper kitchen sink in a dwelling unit
  - (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
  - (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
  - (6) Lack of adequate heating.
  - (7) Lack of, or improper operation of, required ventilating equipment.
  - (8) Lack of minimum amounts of natural light and ventilation required by this Code.
  - (9) Room and space dimensions less than required by this Code.
  - (10) Lack of required electrical lighting.
  - (11) Dampness of habitable rooms.
  - (12) Infestation of insects, vermin, or rodents as determined by a health officer.
  - (13) Visible mold growth, as determined by a health officer or a code enforcement officer.
  - (14) General dilapidation or improper maintenance.
  - (15) Lack of connection to required sewage disposal system.
  - (16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or code enforcement officer.
- H. Any building or structure or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- L. All buildings or structures or portions thereof not provided with adequate exit facilities as required by this Code and state law, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.
- M. All buildings or structures or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by state law, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- N. All buildings or structures or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

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**Chapter 15.72 - AFFORDABLE HOUSING IMPACT FEES**

**15.72.030 - Definitions.**

As used in this Chapter, the following terms have the following meanings, and to the extent a Planning Code and/or Municipal Code Chapter and/or Section is referenced herein, such reference shall also include future amendments, if any:

"Single-Family Housing" means those uses that fall under any of the following use facility types as defined in Chapter 17.10 of the Oakland Planning Code:

One-family dwelling residential facilities consisting of individual detached housing units;

~~One-family dwelling with secondary unit residential facilities; or mobile home residential facilities.~~

**15.72.040 - Applicability.**

- C. Exemptions Based on Project Type. The following types of development projects shall be exempt from this Chapter if any of the following are met:
1. Secondary units, as defined in Section 17.04.090 of the Oakland Planning; ~~or~~
  2. Vehicular Residential Facilities, as defined in Section 17.10.700 of the Oakland Planning Code; or
  23. Affordable housing projects.



**EXHIBIT C  
MISCELLANEOUS CONFORMING AMENDMENTS TO THE OAKLAND  
MUNICIPAL CODE**

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**Chapter 15.74 - TRANSPORTATION AND CAPITAL IMPROVEMENTS IMPACT FEES**

**15.74.030 - Definitions.**

As used in this Chapter, the following terms have the following meanings, and to the extent a Planning Code and/or Municipal Code Chapter and/or Section is referenced herein, such reference shall also include future amendments, if any:

"Single-Family Housing" means those uses that fall under any of the following use facility types as defined in Chapter 17.10 of the Oakland Planning Code:

One-family dwelling residential facilities consisting of individual detached housing units;

~~One-family dwelling with secondary unit residential facilities; or~~

~~Mobile home residential facilities.~~

**15.74.040 - Applicability.**

C. Exemptions Based on Project Type. The following types of development projects shall be exempt from this Chapter if any of the following are met:

1. Development projects involving less than five thousand (5,000) square feet of building floor area occupied by institutional uses;
2. Nonresidential projects involving less than five thousand (5,000) square feet of changed and intensified square feet;
3. Secondary units, as defined in Section 17.04.090 of the Oakland Planning Code; or
4. Vehicular Residential Facilities, as defined in Section 17.10.700 of the Oakland Planning Code; or
45. Affordable housing, as defined in Chapter 15.72 of the Oakland Municipal Code. Affordable housing projects are exempt from the capital improvements impact fee but not exempt from the transportation impact fee.

## NOTICE AND DIGEST

### **ORDINANCE TO PROMOTE COST-EFFICIENT CONSTRUCTION INNOVATION AND EXPANDED HOUSING OPTIONS BY:**

**(1) AMENDING THE OAKLAND PLANNING CODE (OAKLAND MUNICIPAL CODE (OMC) TITLE 17) TO (A) ALLOW RESIDENTIAL OCCUPANCY OF RECREATIONAL VEHICLES (RVs), MOBILE HOMES, AND MANUFACTURED HOMES IN ALL ZONING DISTRICTS WHERE RESIDENTIAL USES ARE PERMITTED, (B) ESTABLISH DENSITY AND OPEN SPACE REGULATIONS FOR EFFICIENCY DWELLING UNITS, AND (C) ESTABLISH HEIGHT REGULATIONS FOR MODULAR CONSTRUCTION;**

**(2) AMENDING THE OAKLAND BUILDING CONSTRUCTION CODE (OMC CHAPTER 15.04) TO ADOPT VOLUNTARY APPENDIX R TO THE CALIFORNIA RESIDENTIAL CODE (LIGHT STRAW-CLAY CONSTRUCTION);**

**(3) MAKING CONFORMING AMENDMENTS TO THE BLIGHT ORDINANCE (OMC CHAPTER 8.24), BUILDING MAINTENANCE CODE (OMC CHAPTER 15.08), AFFORDABLE HOUSING IMPACT FEES ORDINANCE (OMC CHAPTER 15.72), AND TRANSPORTATION AND CAPITAL IMPROVEMENTS IMPACT FEES ORDINANCE (OMC CHAPTER 15.74);**

**(4) STAYING ENFORCEMENT OF OMC SECTIONS 8.24.020(F)(2) AND 8.24.020(G) FOR 120 DAYS; AND**

**(5) EXEMPTING RV PARKS OWNED, OPERATED, AND MAINTAINED BY NON-PROFIT ORGANIZATIONS FOR PERMANENT, TEMPORARY, OR EMERGENCY USE, SUBJECT TO THE PLANNING CODE STANDARDS, FROM THE SPECIAL OCCUPANCY PARKS ACT (HEALTH AND SAFETY CODE SECTION 18200 ET SEQ) PURSUANT TO HEALTH AND SAFETY CODE SECTION 18865.4;**

### **AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

This Ordinance would amend the Oakland Municipal Code to promote cost-efficient construction innovation and expanded housing options in Oakland. The Oakland Planning Code would be amended to allow residential occupancy of recreational vehicles (RVs) in all zoning districts where residential uses are permitted, allow mobile homes and manufactured homes in all zoning districts where residential uses are permitted, establish density and open space regulations for efficiency dwelling units, and establish height regulations for modular construction. The amendments would also adopt standards from the California Residential Code for alternative building materials and

include conforming amendments to the Blight Ordinance, Building Maintenance Code, Affordable Housing Impact Fees Ordinance, and Transportation and Capital Improvements Impact Fees Ordinance. The Ordinance would stay enforcement of Oakland Municipal Code sections 8.22.020(F)(2) and 8.22.020(G) for 120 days to allow property owners with RVs to apply for approvals allowed by these amendments. Additionally, the Ordinance exempts non-profit organizations that own, operate, and maintain RV parks for permanent, temporary, or emergency use from the requirements of the State Special Occupancy Parks Act pursuant to Health and Safety Code section 18865.4. Finally, the Ordinance makes findings under the California Environmental Quality Act.