

2017 OCT 19 PM 4:28 **OAKLAND CITY COUNCIL**

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

---

**AN ORDINANCE (A) ADOPTING CEQA FINDINGS, INCLUDING CERTIFICATION OF THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND (B) REZONING FROM RH-3 HILLSIDE RESIDENTIAL ZONE -3 TO THE PROPOSED D-OK-1 OAK KNOLL DISTRICT RESIDENTIAL ZONE - 1 AND THE D-OK-7 PASSIVE OPEN SPACE ZONING FOR THE CITY-OWNED BARCELONA PARCEL LOCATED AT BARCELONA STREET AND ST. ANDREWS ROAD, OAKLAND**

**WHEREAS**, the City of Oakland has retained ownership of a 5.4-acre parcel on the former Oakland Navy Medical Center located on portions of Barcelona Street and St. Andrews Road ("Barcelona" parcel); and

**WHEREAS**, Oak Knoll Venture Acquisitions LLC ("the developer"), submitted a letter of interest to the City to purchase the Barcelona parcel to augment their development project; and

**WHEREAS**, the City Council adopted Resolution 86582 C.M.S. authorizing the City Administrator to negotiate and enter into an Exclusive Negotiating Agreement ("ENA") with Oak Knoll Venture Acquisitions LLC, or a related affiliate or affiliates approved by the City Administrator, for the purposes of developing a project proposal for City review and approval, undertaking the necessary environmental review process, and negotiating the terms and conditions of a Disposition and Development Agreement, with the understanding that this did not constitute a binding commitment on the part of the City to any project or developer for the Properties; and

**WHEREAS**, on March 9, 2015, the developer submitted an application for environmental review to the Bureau of Planning to develop 935 residential units, over 84 acres of parks and open space and over 72,000 square feet of neighborhood serving commercial space ("Project"); and

**WHEREAS**, the developer also submitted an application to rezone the Project site including the Barcelona Parcel to a new Zoning district, the D-OK Oak Knoll District Zone Regulations including Zoning map revisions; and

**WHEREAS**, the developer submitted a General Plan Amendment to change the General Plan's Land Use Diagram for Project from Hillside Residential, Community Commercial, Urban Open Space, Institutional, and Resource Conservation to Hillside Residential, Detached Unit Residential, Mixed Housing Type, Community Commercial, Neighborhood Center, and Urban Open Space, and Resource Conservation to provide parcel specific General Plan land use classifications to coincide with the proposed Rezoning; and the proposed Rezoning is consistent therewith; and

**WHEREAS**, on March 20, 2015, a Notice of Preparation of a Draft Supplemental Environmental Impact Report ("SEIR") for the Project was published pursuant to the California Environmental Quality ("CEQA"); and

**WHEREAS**, in order to receive comments on the scope and content of the Draft SEIR for the Project, duly noticed Draft SEIR scoping hearings were held before the Oakland Landmarks Preservation Advisory Board ("LPAB") on April 13, 2015 and before the Oakland City Planning Commission on April 15, 2015; and

**WHEREAS**, a Combined Notice of Availability and Release of a Draft SEIR and Notice of Public Hearings on the Draft SEIR for the Project was published on August 26, 2016, and a Draft SEIR was released on August 29, 2016, both of which were made available to the public/governmental agencies for review and comment; and

**WHEREAS**, duly-noticed public hearings on the Draft SEIR for the Project were held before the Oakland LPAB on September 12, 2016, before the Oakland Bicycle and Pedestrian Advisory Committee on September 15, 2016, and before the Oakland City Planning Commission on October 5, 2016; and

**WHEREAS**, a duly-noticed public hearing on the Project was held on November 16, 2016 before the Zoning Update Committee to consider the proposed Zoning district; and

**WHEREAS**, on April 27, 2017, a Notice of Availability and Notice of Release of a Final SEIR, as well as a Responses to Comment and Final SEIR, which responded to comments received on the Draft SEIR, were published and made available for public review and comment; and

**WHEREAS**, the proposed Rezoning was described in the Final SEIR and the environmental impacts of which have been analyzed and disclosed in conformance with CEQA; and

**WHEREAS**, on August 7, 2017, the developer sent a letter requesting that the Barcelona parcel be removed from the ENA and the Project, resulting in the City continuing to hold title to this property and the development potential on the Project site being now 918 residential units; and

**WHEREAS**, the Bureau of Planning has initiated the Rezoning of the Barcelona parcel from the RH-3 Hillside Residential Zone - 3 to the proposed D-OK-1 Oak Knoll District Residential Zone - 1 and the D-OK-7 Passive Open Space Zone in order to facilitate suitable development with another interested party or until the City may pursue its own development plans for the property; and

**WHEREAS**, the Bureau of Planning has concluded that the proposed Rezoning of a portion of the Barcelona parcel to the D-OK-1 Oak Knoll District Residential Zone - 1 is needed to protect steep hillside areas and existing vegetation; and

**WHEREAS**, the Bureau of Planning has concluded that the proposed Rezoning of the Barcelona parcel to the D-OK-1 Oak Knoll District Residential Zone - 1 will result in potential development consistent with the surrounding density and character of the adjacent residential neighborhoods; and

**WHEREAS**, the Bureau of Planning has initiated a General Plan Amendment to change the General Plan's Land Use Diagram for the Barcelona Parcel from Hillside Residential and Resource Conservation to Detached Unit Residential only to provide parcel specific General Plan land use classifications to coincide with the proposed Rezoning; and the proposed Rezoning is consistent therewith; and

**WHEREAS**, in 2006 a project that had had more residential units and commercial square footage and less open space than the Project was found, upon appeal of a Director of Planning's Determination to the Planning Commission, to be in compliance with the General Plan, and, thereby, also is in conformance with the Oak Knoll Redevelopment Plan as the amended Redevelopment Plan land use map was replaced with the General Plan Land Use Diagram; and

**WHEREAS**, on October 18, 2017, at a duly-noticed public hearing, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required CEQA findings, including certifying the SEIR and rejecting alternatives as infeasible; (b) adopt the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP"); and (c) approve the City initiated General Rezoning based, in part, upon the Findings contained in the October 18, 2017 City Planning Commission Agenda Report and attachments ("City Planning Commission Report"); and

**WHEREAS**, the SEIR and Rezoning were considered at a regular, duly-noticed meeting of the City Council's Community and Economic Development Committee on October 31, 2017, which recommended certification of the SEIR, which among other things, analyzes the environmental effects associated with the Rezoning, and approval of the Project, the new Zoning Districts and Rezoning of the Barcelona Parcel; and

**WHEREAS**, and Rezoning and SEIR were considered at a regular, duly-noticed, public hearing of the City Council on November 7, 2017 and the City Council closed the public hearing on November 7, 2017; and now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council, as the final decision-making body for the lead agency, has independently reviewed, considered, and analyzed the SEIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report and the City Council Agenda Reports and hereby reconfirms, readopts, and incorporates by reference into this Ordinance (as if fully set forth herein) all the CEQA findings, including certification of the SEIR, relative to the proposed Rezoning of the Barcelona Parcel from RH-3 Hillside Residential Zone -3 to the proposed D-OK-1 Oak Knoll District Residential Zone - 1 and the D-OK-7 Passive Open Space Zoning, as contained in the approved City Planning Commission Report and the City Council Agenda Reports prior to adopting this Ordinance.

**Section 2.** The City Council hereby adopts the proposed Rezoning, as detailed in *Exhibit A*, attached hereto and hereby incorporated by reference, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports.

**Section 3.** Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

**Section 4.** The Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies.

**Section 5.** The record before this Council relating to this Ordinance include, without limitation, the following:

1. The Project development application, as may be amended or supplemented, and all related materials, including all accompanying maps, papers and appendices;

2. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation the SEIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, Zoning Update Committee, BPAC, City Planning Commission, and City Council during the public hearings on the Project and Rezoning as well as all written evidence received by the relevant City staff before and during the public hearings on the Project; and
4. All matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations.

**Section 6.** Except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

**Section 7:** If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application of provisions to the other persons or circumstances shall not be affected thereby.

**Section 8:** The custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department — Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California; (b) City Administrator's Office, One Frank H. Ogawa Plaza, 1<sup>st</sup> Floor, Oakland California; (c) Public Works Agency Tree Services Division, 7101 Edgewater Dr., Bldg. 4, Oakland California; and (d) Office of the City Clerk, One Frank H. Ogawa Plaza, 1<sup>st</sup> Floor, Oakland California.

**Section 9.** The recitals contained in this Ordinance are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
 LaTonda Simmons  
 City Clerk and Clerk of the Council  
 of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_

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

### Sections:

- 17.101J.010 - Title, intent, and description.
- 17.101J.020 - Required design review process, including preliminary and final development plan approval and Oak Knoll Design Guidelines.
- 17.101J.030 - Permitted and conditionally permitted activities.
- 17.101J.040 - Permitted and conditionally permitted facilities.
- 17.101J.050 - Property development standards.
- 17.101J.060 - Subdivision.
- 17.101J.070 - Conditional use permit criteria.
- 17.101J.080 - Other zoning provisions.
- 17.101J.090 - Definitions

### **17.101J.010 - Title, intent, and description.**

- A. Title and Intent. The provisions of this Chapter shall be known as the D-OK Oak Knoll District Zones Regulations. The intent of the Oak Knoll District (D-OK) Zones is to implement the Oak Knoll District Planned Unit Development (OKPUD) permit. The OKPUD intends to establish and maintain a pedestrian-oriented neighborhood that contains a mix of housing types, community amenities, a retail area, passive and active recreational opportunities, and open spaces. These regulations shall apply to the six (6) zoning districts (the D-OK zones) in the OKPUD area.
- B. Description of Zones. This Chapter establishes land use regulations for the following six zones:
  - 1. **D-OK-1 Oak Knoll District Residential Zone - 1.** The D-OK-1 Zone is intended to create, maintain, and enhance areas suitable for low-density single-family home development that responds to the site's topography and includes appropriate landscaping.
  - 2. **D-OK-2 Oak Knoll District Residential Zone - 2.** The D-OK-2 Zone is intended to create, maintain, and enhance areas suitable for medium-low density single-family homes.
  - 3. **D-OK-3 Oak Knoll District Residential Zone - 3.** The D-OK-3 Zone is intended to create, maintain, and enhance areas suitable for medium-density residential units, such as townhomes.
  - 4. **D-OK-4 Oak Knoll District Commercial Zone - 4.** The D-OK-4 Zone is intended to create, maintain, and enhance areas that provide neighborhood-serving retail, such as supermarkets, banks, cafes, and dry-cleaners. Ground floor commercial uses and upper story office uses are encouraged in this zone.

5. **D-OK-5 Oak Knoll District Amenity Community Commercial Zone - 5.** The D-OK-5 Zone is intended to create, maintain, and enhance areas for community activities and commercial uses that provide a community amenity. Although this area is intended primarily to serve the community, spaces may be rented for non-community functions, including weddings and other organized events.
6. **D-OK-6 Oak Knoll District Active Open Space Zone – 6.** The D-OK-6 Zone is intended to create, maintain and enhance open space areas that provide opportunities for informal active recreation and park use. The programming of each individual open space will respond to its location and the needs of surrounding residents. This zone is appropriate for lawn and landscaped areas, tot lots, and street furniture, such as benches, tables, and ornamental fixtures.
7. **D-OK-7 Oak Knoll District Passive Open Space Zone - 7.** The D-OK-7 Zone is intended to create, maintain, and enhance open space areas that preserve natural features of the OKPUD area and provide opportunities for passive recreation and maintenance of visual buffers. The programming of each individual open space will respond to its location, natural resources, and topography. This zone is appropriate for management of vegetation and water features, hiking and walking trails, and enhancement of wildlife.

**17.101J.020 - Required Design Review Process, Including Preliminary and Final Development Plan Approval and Oak Knoll Design Guidelines.**

- A. All development within the Oak Knoll District is subject to an approved Planned Unit Development (PUD) permit pursuant to Chapters 17.140 and 17.142.
- B. Development within the District shall be consistent with the Oak Knoll Preliminary Development Plan (as it may be amended), in particular with the Oak Knoll Design Guidelines, which were adopted as part of the Preliminary Development Plan. Conformance to the Oak Knoll Design Guidelines is required for any change to the exterior of a building that requires a building permit in the Oak Knoll District.
- C. In addition, as applicable, development is subject to the following design review requirements:
  1. Original development of more than two lots at the same time shall require approval of, and be consistent with, a Final Development Plan in accordance with the procedures set forth in Chapter 17.140. For development requiring a Final Development Plan, a determination of consistency with the Final Development Plan shall take the place of, and be deemed equivalent to, the design review procedures in Chapter 17.136.
  2. Original development of two or fewer lots at the same time shall be subject to the design review procedures set forth in under 17.136.
  3. Subsequent approvals to existing development shall be subject to design review under Chapter 17.136, except where such projects are exempt from design review pursuant to Section 17.136.025. Where there is a conflict between the design review criteria contained in Section 17.136.070 and the design objectives contained in the Oak Knoll Design Guidelines, the design objectives in the Oak Knoll Design Guidelines shall prevail.

4. Telecommunications facilities shall be subject to design review in accordance with Chapter 17.128 unless they have already been approved pursuant to a Final Development Plan.
5. Signs other than those covered by a Final Development Plan shall be subject to design review in accordance with Chapter 17.104.

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

Table 17.101J.01 lists the permitted, conditionally permitted, and prohibited activities in the D-OK Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding zone (see Chapter 17.134 and Section 17.101J.070 for the CUP procedure and criteria).

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

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

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

Activities	Primary Zones							Additional Regulations
	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	
<b>Residential Activities</b>								
Permanent	P	P	P	—	—	—	—	
Residential Care	P(L1)	P(L1)	P(L1)	—	—	—	—	17.103.010
Supportive Housing	P	P	P	—	—	—	—	
Transitional Housing	P	P	P	—	—	—	—	
Emergency Shelter	—	—	—	—	C(L1) (L2)	—	—	17.103.010
Semi-Transient	—	—	—	—	—	—	—	

Bed and Breakfast	—	—	—	—	—	—	—	
<b>Civic Activities</b>								
Essential Service	P	P	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	—	—	
Community Assembly	C	C	C	C	P	P(L3)	—	
Recreational Assembly	C	C	C	P	C	P(L4)	—	
Community Education	C	C	C	C	C	—	—	
Nonassembly Cultural	C	C	C	P	P	—	—	
Administrative	—	—	—	P	P	—	—	
Health Care	—	—	—	C(L5)	P(L6)	—	—	
Special Health Care	—	—	—	—	—	—	—	17.103.020
Utility and Vehicular	C	C	C	C	—	—	—	
Extensive Impact	—	—	—	—	—	—	—	
<b>Commercial Activities</b>								
General Food Sales	—	—	—	P	P(L7)	—	—	
Full Service Restaurants	—	—	—	P	C	—	—	
Limited Service	—	—	—	P	P(L7)	—	—	



Restaurant and Cafe								
Fast-Food Restaurant	—	—	—	—	—	—	—	17.103.030 and 8.09
Convenience Market	—	—	—	C	—	—	—	17.103.030
Alcoholic Beverage Sales	—	—	—	C	C	—	—	17.103.030, and 17.114.030,
Mechanical or Electronic Games	—	—	—	—	—	—	—	
Medical Service	—	—	—	P(L7)	—	—	—	
General Retail Sales	—	—	—	P	P(L7)	—	—	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	—	—	
Consumer Service	—	—	—	P(L8) (L9)	—	—	—	
Consultative and Financial Service	—	—	—	P	—	—	—	
Check Cashier and Check Cashing	—	—	—	—	—	—	—	
Consumer Cleaning and Repair Service	—	—	—	P(L9)	—	—	—	
Consumer Dry	—	—	—	—	—	—	—	

Cleaning Plant								
Group Assembly	—	—	—	C	P	—	—	
Personal Instruction and Improvement Services	—	—	—	P	P	—	—	
Administrative	—	—	—	P(L10)	P	—	—	
Business, Communication, and Media Services	—	—	—	P(L11)	—	—	—	
Broadcasting and Recording Services	—	—	—	—	—	—	—	
Research Service	—	—	—	C(L11)	—	—	—	
General Wholesale Sales	—	—	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	—	—	17.103.050
Building Material Sales	—	—	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	—	—	

Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	—	—	
Animal Boarding	—	—	—	C	—	—	—	
Animal Care	—	—	—	P	—	—	—	
Undertaking Service	—	—	—	—	—	—	—	
<b>Industrial Activities</b>								
Custom Manufacturing	—	—	—	P	P(L12)	—	—	17.120
Light Manufacturing	—	—	—	—	—	—	—	
General Manufacturing	—	—	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	—	—	
Research and Development	—	—	—	—	—	—	—	
Construction Operations	—	—	—	—	—	—	—	
<b>Warehousing, Storage, and Distribution-Related</b>								
Warehousing, Storage, and	—	—	—	—	—	—	—	

Distribution-Related (all categories)									
<b>Recycling and Waste-Related</b>									
Recycling and Waste-Related (all categories)	—	—	—	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>									
Limited Agriculture	—	—	P(L13) (L14)	P(L13) (L14)	P(L13) (L14)	P(L13) (L14)	P(L13) (L14)	P(L13) (L14)	
Extensive Agriculture	—	—	—	—	—	—	—	—	
Plant Nursery	—	—	—	—	—	—	—	—	
Mining and Quarrying	—	—	—	—	—	—	—	—	

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

**L1.** Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

**L2.** An Emergency Shelter Residential Activity is limited to the temporary housing of displaced people after a catastrophe, including earthquake, fire, flood, or other similar act of God, that makes residences uninhabitable. All other types of Emergency Shelter Residential Activities are prohibited.

**L3.** Community Assembly Civic Activities are allowed only in accordance with the requirements in Section 17.11.060 for parks designated Neighborhood Park (NP). Where Section 17.11.060 is inconsistent with Note L4, below, Note L4 controls.

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

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

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

**L6.** Temporary health clinics, including clinics for flu shots, vaccinations, eye health screening, and other similar activities, and temporary blood drives, are permitted. As used in Note L6, "temporary" means an event that lasts no longer than seven days. All other Health Care Civic Activities are prohibited.

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

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

**L9.** The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 and Section 17.101J.070 for the CUP procedure and criteria).

**L10.** The total floor area devoted to Administrative Activities is limited to 5,000 square feet if located on the ground floor. There is no size limitation for such uses if not located on the ground floor.

**L11.** Except for media services, these activities are not permitted if located on the ground floor of a building.

**L12.** In areas with existing kitchen facilities, Custom Manufacturing Activities that require a kitchen, such as beverage and food production, are permitted. Temporary demonstrations, educational programs, and workshops about any custom manufacturing activity are permitted. The permanent establishment of Custom Manufacturing Activities that do not require kitchens or in any area that does not contain existing kitchen facilities requires a Major Conditional Use Permit.

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

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

3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

**L14.** Community Gardens are permitted by right if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 and Section 17.101J.070 for the CUP procedure and criteria).

**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>								
One-Family Dwelling	P	P	C	—	—	—	—	
One-Family Dwelling with Secondary Unit	P	P	C	—	—	—	—	17.103.080
Two-Family Dwelling	—	—	P	—	—	—	—	
Multifamily Dwelling	—	—	P	—	—	—	—	
Rooming House	—	—	—	—	—	—	—	
Mobile Home	—	—	—	—	—	—	—	
<b>Nonresidential Facilities</b>								
Enclosed Nonresidential	—	—	—	P	P	C	—	

Open Nonresidential	P	P	P	C	C	P	P	
Sidewalk Cafe	—	—	—	P(L1)	—	—	—	17.103.090
Drive-In	—	—	—	—	—	—	—	
Drive-Through	—	—	—	P(L2)	—	—	—	17.103.100
<b>Telecommunications Facilities</b>								
Micro Telecommunications	C	C	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	C	C	17.128
Tower Telecommunications	C	C	C	C	C	C	C	17.128
<b>Sign Facilities</b>								
Residential Signs	P(L3)	P(L3)	P(L3)	—	—	—	—	
Special Signs	P(L3)	P(L3)	P(L3)	P(L4)	P(L3)	P(L3)	—	
Development Signs	P(L3)	P(L3)	P(L3)	P(L4)	P(L3)	—	—	
Realty Signs	P(L3)	P(L3)	P(L3)	P(L4)	P(L3)	—	—	
Civic Signs	P(L3)	P(L3)	P(L3)	P(L4)	P(L3)	C(L3)	—	
Business Signs	—	—	—	P(L4)	P(L3)	—	—	
Advertising Signs	—	—	—	—	—	—	—	

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

L2. Drive-through facilities are permitted for pharmacy and retail banking uses only. Drive-through facilities are prohibited for all other uses.

L3. All signs other than monument signs, which are defined in the OKPUD, shall comply with the regulations in Section 17.104.010. Monument signs shall comply with the regulations in Section 17.101J.020 and the OKPUD.

L4. Signs shall comply with the regulations in Section 17.101J.020, 17.104.020, or 17.104.070, as applicable.

**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 Lot Dimensions</b>								
Width mean	42 ft.	40 ft.	20 ft.	25 ft.	25 ft.	20 ft.	N/A	1
Frontage	25 ft.	25 ft.	20 ft.	25 ft.	25 ft.	20 ft.	N/A	2
Lot area	3,750 sf.	2,000 sf.	5,000 sf.	4,000 sf.	4,000 sf.	2,000 sf.	N/A	
<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
Minimum Interior Side	4 ft./5 ft.	3 ft. per side or a total of 5 ft.	4 ft.	0 ft./5 ft.	20 ft.	4 ft.	N/A	7, 8, 10
Minimum Street Side	5 ft.	5 ft.	5 ft.	0 ft.	20 ft.	0 ft.	N/A	10
Rear	15 ft.	12 ft.	N/A	0 ft./5 ft.	20 ft.	0 ft.	N/A	9, 10
<b>Maximum Density</b>								
Permitted Density	1 primary unit per lot	1 primary unit per lot	1 unit per 1,600 sf. of lot area on lots 5,000 sf. or greater	0.50 FAR	0.50 FAR	0.15 FAR	N/A	11



Maximum FAR for Lots with a Footprint Slope >20%	0.65	N/A	N/A	N/A	N/A	N/A	N/A	11
Maximum Lot Coverage (%)	50%	55%	55%	N/A	N/A	N/A	N/A	11
<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	
<b>Minimum Open Space</b>								
Group Open Space	N/A	N/A	170 sf. per unit	N/A	N/A	N/A	N/A	13
Courtyard Regulations	N/A	N/A	See Section 17.108.120	N/A	N/A	N/A	N/A	
<b>Other Development Standards</b>								
Parking and driveway	Yes	Yes	Yes	Yes	No	No	N/A	14

location requirements								
Ground floor active space requirement	N/A	N/A	N/A	Yes	N/A	N/A	N/A	15
Minimum ground floor façade glazing	N/A	N/A	N/A	40 to 70%	N/A	N/A	N/A	16
Minimum height of ground floor facilities	N/A	N/A	N/A	12 ft.	N/A	N/A	N/A	17
Minimum Required Parking	Yes	Yes	Yes	Yes	No	No	N/A	18

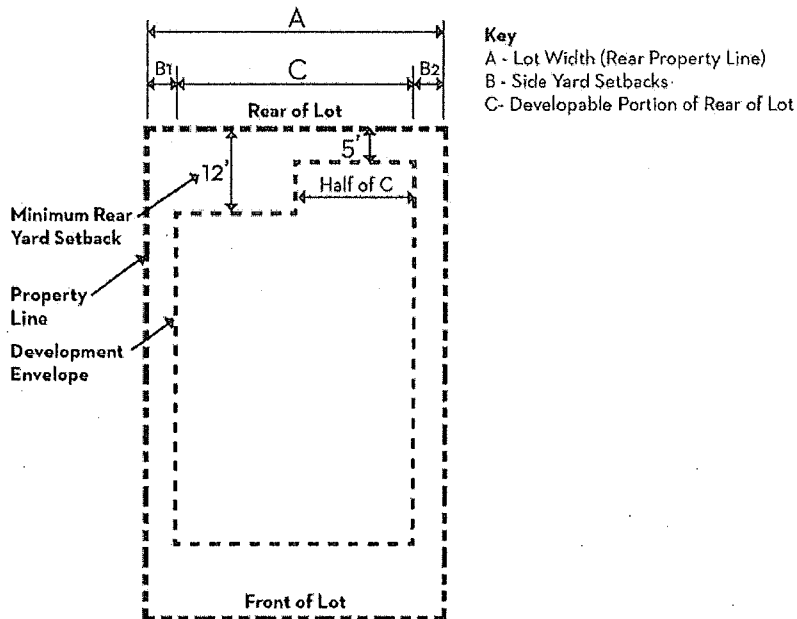
**Additional Regulations for Table 17.101J.03:**

1. No additional subdivisions other than what was approved in the OKPUD are permitted unless a new planned unit development (PUD) application is submitted pursuant to the procedures in Chapter 17.140.
2. The minimum frontage requirement does not apply to flag lots created as part of the original OKPUD.
3. For lots in the D-OK-1 Zone with a footprint slope of less than twenty (20) percent, the minimum front setback is fifteen (15) feet. For lots in the D-OK-1 Zone with a footprint slope equal to or greater than twenty (20) percent, the minimum front setback is five (5) feet.
4. For residences in the D-OK-2 Zone located off of a shared access facility, the minimum front setback is measured from the edge of the pavement of the common access drive.
5. The minimum front setback for a garage is eighteen (18) feet for lots in the D-OK-1 Zone with a footprint slope equal to or less than twenty (20) percent, and lots in the D-OK-3 Zone. In the D-OK-2 Zone, the minimum front setback for a garage is fifteen (15) feet. The minimum front setback for a garage is five (5) feet for lots in the D-OK-1 Zone with a footprint slope greater than twenty (20) percent.
6. In the D-OK-1, D-OK-2, and D-OK-3 Zones, covered porches are permitted in the front setback; in these zones, covered porches not exceeding one story and structures under 30 inches in height shall have a minimum front setback of three (3) feet. Stairs in these zones are permitted up to the front property line.
7. In the D-OK-2 Zone, the minimum interior side yard is three (3) feet except, for a single-family dwelling unit on a lot with two interior side yards, one of the two interior side yards can

be reduced to zero (0) feet without a variance if the other interior side yard is at least five (5) feet. On the ground-floor, only a garage of a maximum length of twenty-four (24) feet is allowed on the interior side without a side yard. Habitable rooms are permitted over such a garage. On the interior side without a side yard, no windows, doors or upper floor balconies or decks are permitted less than three (3) feet of the property line.

8. In the D-OK-1 Zone, the minimum interior side yard is four (4) feet on lots less than six thousand (6,000) square feet. The minimum interior side yard is five (5) feet on all other lots in the D-OK-1 Zone. In the D-OK-4 Zone, there is no minimum interior side yard setback unless the interior side lot line is adjacent to a Residential Zone, in which case the minimum side yard setback is five (5) feet.

9. In the D-OK-2 Zone, the minimum rear setback can be reduced to five (5) feet over a maximum of one-half (1/2) the width of the developable portion of the lot (i.e., the width not including the applicable side yard setbacks), as shown in the following figure. In the D-OK-4 Zone, there is no minimum rear setback unless the rear lot line is adjacent to a Residential Zone, in which case the rear setback is five (5) feet.



10. If there is any ambiguity regarding the required setbacks, the setbacks in the Oak Knoll Design Guidelines shall control.

11. Where a Secondary Unit is permitted in the D-OK Zones (i.e., on a residential lot with only one (1) single-family dwelling unit), the requirements in Section 17.103.080 shall apply.

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

**13.** The per unit Group Open Space requirement can be replaced by 70 square feet of dedicated Private Open Space per unit. All usable Group Open Space shall meet the requirements in Sections 17.126.030.A through 17.126.030.E. Usable Private Open Space shall meet the following requirements:

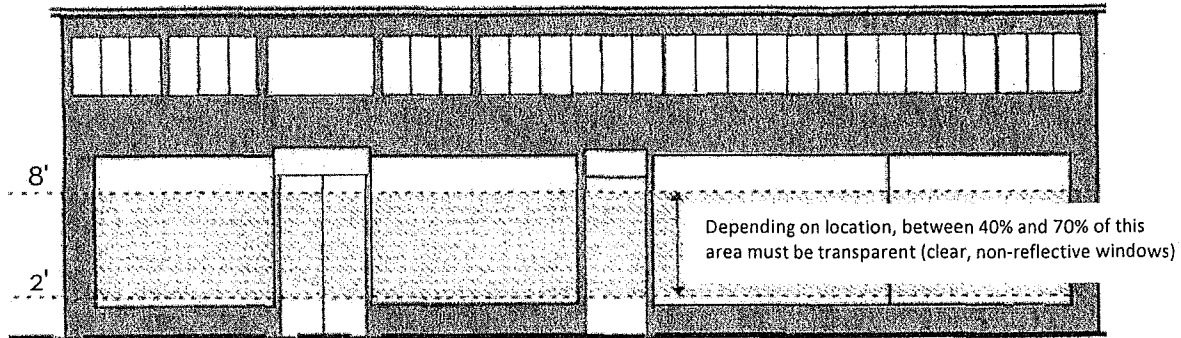
- a. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof or balcony, but shall not be more than the minimum height required by the Oakland Building Code.
- b. **Location.** The space may be located anywhere on the lot. Above-ground-level space may be counted even though it projects beyond a street line. All spaces shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served.
- c. **Size and Shape.** An area of contiguous ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than ten (10) feet. An area of above-ground-level space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than five (5) feet. When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.
- d. **Accessibility.** The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- e. **Openness.** There shall be no obstructions over ground-level space except for devices to enhance its usability and except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

Enclosures and landscaping for both usable Group and Private Open Spaces must be consistent with the requirements in the Oak Knoll Design Guidelines.

**14.** In the D-OK District Residential Zones, Section 2.6 of the Oak Knoll Design Guidelines applies. Parking and loading requirements in the D-OK-4 Zone are the same as in the CN-4 Zone, subject to the exceptions stated in Note 15 below.

**15.** Locker areas, storage areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located in front of the principal building, as regulated by Note 12 to Table 17.33.03 in Planning Code Section 17.33.050.A. "Street" parking is allowed along either the principal street or principal private driveway in front of the principal building. (An example of "street" parking is shown in Figure 1.5 in Chapter 2.3 of the Oak Knoll Design Guidelines.) Parking lots are not allowed in the front of the principal building.

16. The minimum percent transparency for the band between two (2) feet and eight (8) feet in height of any side of a commercial building facing a Principal Drive is forty (40) percent. The minimum percent transparency for the band between two (2) feet and eight (8) feet in height of any side of a commercial building facing a retail plaza is seventy (70) percent. An example of glazing treatment that meets these requirements is illustrated in the figure below.



Façade facing Main Street

17. The minimum height requirement applies only for new principal buildings and the height is measured from the sidewalk grade to the ground floor ceiling.

18. In the D-OK-1, D-OK-2, and D-OK-3 Zones, the regulations in Sections 17.116.050, 17.116.060 and 17.116.070 for the RH and/or RD Zones apply. In the D-OK-4 Zone, the regulations in Sections 17.116.050, 17.116.070, 17.116.080, 17.116.090, and 17.116.140 for the CN Zone apply. In the D-OK-5 Zone, the regulations in Sections 17.116.050, 17.116.070, 17.116.080, and 17.116.090, and 17.116.130 for "any other zone" apply. In the D-OK-6 and D-OK-7 Zones, the regulations in Section 17.116.050 through 17.116.100 for the OS Zone apply.

**B. Height Standards for Sloped, Terraced, or Split Lots.** Table 17.101J.04 below prescribes the height standards associated with different sloped, terraced, or split lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.101J.04 Height Regulations for all Lots with a Footprint Slope of >20%, Terraced, or Split**

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	> 20% and < 40%, and all terraced and split regardless	> 40% and < 60%	> 60%	> 20%, terraced and split	

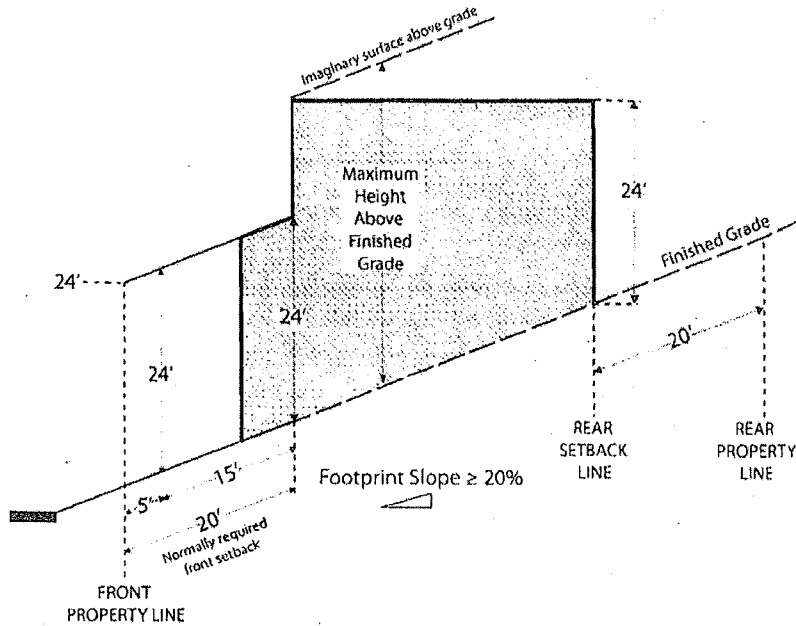
	of slope				
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height Primary Building	36 ft.	38 ft.	40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

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

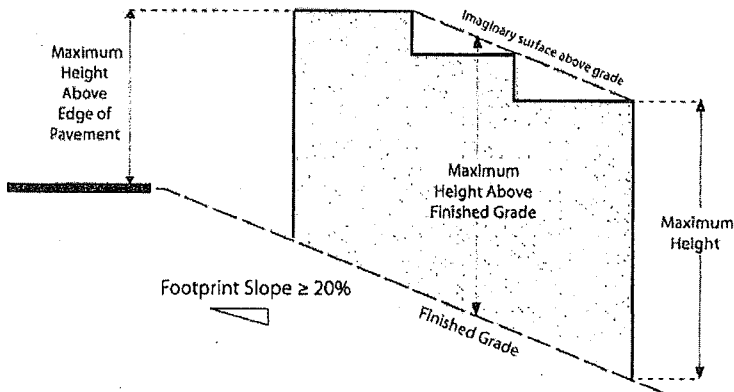
1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than seventeen percent (20%) footprint slope, or that is terraced or split, the rear wall of an attached garage or carport may exceed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

Illustrations for Table 17.101J.04  
 \*for illustration purposes only

Upslope



Downslope



**C. Additional Development Regulations in the D-OK-1 and D-OK-2 Zones.**

Table 17.101J.05 below prescribes the standards for garage doors, retaining walls, stoops, and porches in the D-OK-1 and D-OK-2 Zones. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.101J.05 Additional Development Regulations  
in the D-OK-1 and D-OK-2 Zones**

Facility	Zones		Additional Regulations
	D-OK-1	D-OK-2	
<b>Garages</b>			
Maximum Garage Door Width	16 ft.	16 ft.	
Maximum Garage Door Height	8 ft.	8 ft.	
Minimum Garage Door Recess	6 in.	6 in.	
<b>Retaining Walls</b>			
Maximum Front Retaining Wall Height	30 in.	30 in.	1
Maximum Side and Rear Retaining Wall Height	--	--	
<b>Stoops</b>			
Minimum Landing Depth	5 ft.	5 ft.	
Minimum Landing Width	6 ft.	6 ft.	
<b>Porches</b>			
Minimum covered area	30 sq. ft.	30 sq. ft.	
Minimum elevation above grade	8 in.	8 in.	

**Additional Regulations for Table 17.101J.05:**

1. Retaining walls, if used in the front, must be set back a minimum of two (2) feet from the sidewalk.

**17.101J.060 - Subdivision**

The OKPUD is approved for 935 residential dwelling units and 82,000 sf. of non-residential space. No additional residential subdivisions are permitted.



**17.101J.070 – Conditional use permit criteria.**

- A. The procedures in Chapter 17.134 apply in the D-OK Zones except for the criterion required by Section 17.134.050.D.
- B. In the D-OK Zones, the following criterion replaces the criterion found in Section 17.134.050.D: That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.101J.020.C and the Oak Knoll Design Guidelines.

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

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the D-OK Zones to the extent not contrary to the standards specifically set forth in this Chapter and the Oak Knoll Design Guidelines.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-OK Zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the D-OK Zones to the extent not contrary to the standards specifically set forth in the Oak Knoll Design Guidelines.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein to the extent not contrary to the standards specifically set forth in the Oak Knoll Design Guidelines.
- G. Bicycle Parking. The bicycle parking requirements in Chapter 17.117 apply in the D-OK Zones.
- H. Special Regulations and Findings for Certain Use Classifications. The regulations set forth in Chapter 17.103 shall apply in the D-OK Zones to the extent noted in Table 17.101J.01.
- I. Performance Standards. The regulations set forth in Chapter 17.120 shall apply in the D-OK Zones.
- J. Hillside Subdivisions. The regulations set forth in Chapter 16.28 shall not apply in the D-OK Zones.

**17.101J.090 – Definitions.**

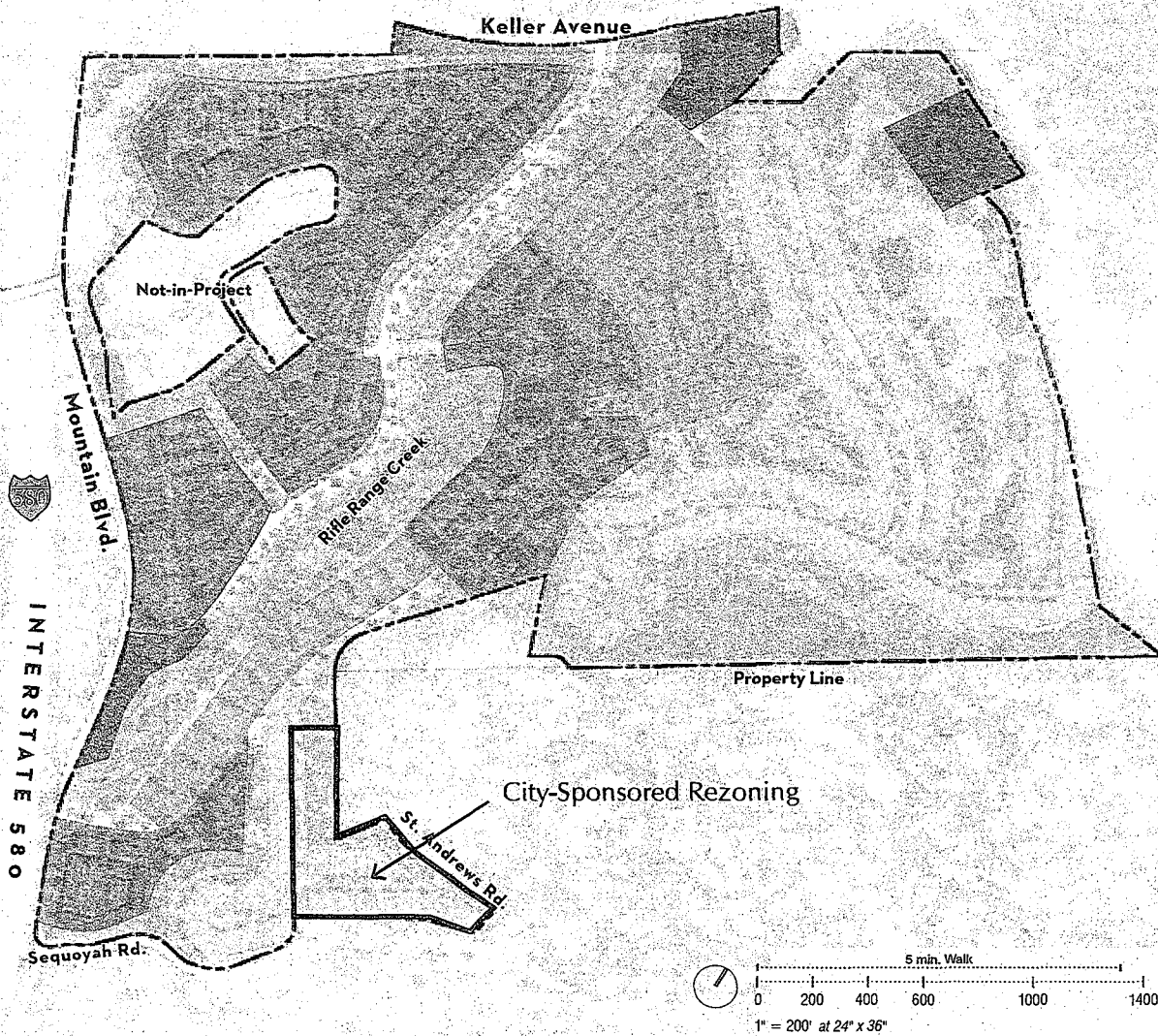
As used in Chapter 17.101J, the following words have the meanings defined below:

- A. Developable Area. The developable area is the lot area excluding required setbacks.

- B. Footprint Slope. Footprint slope means the grade across a lot from the front to back (or back to front) of the developable area.
- C. Principal Drive. Principal Drive is a private driveway in a commercial area that connects to secondary drives.
- D. Secondary Drive. Secondary Drive is a drive aisle located in a surface or structured parking lot.
- E. Split Lot. A split lot is a lot that was sloped and has been graded to have two different levels.
- F. Terraced Lot. A terraced lot is a lot that was sloped and has been graded to have more than two levels.

## Proposed Oak Knoll Zoning District (D-OK)

ZONING LEGEND		
Key	Zone	Use
D-OK-1	Residential OK-1	Low Density
D-OK-2	Residential OK-2	Medium-Low Density
D-OK-3	Residential OK-3	Medium Density
D-OK-4	Commercial	Village Retail
D-OK-5	Community Commercial	Community Use and Limited Commercial
D-OK-6	Active Open Space	Active Recreation and Park Uses
D-OK-7	Passive Open Space	Creek, Natural Features, Hiking, and Buffers



## NOTICE & DIGEST

**AN ORDINANCE (A) ADOPTING CEQA FINDINGS, INCLUDING CERTIFICATION OF THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND (B) REZONING FROM RH-3 HILLSIDE RESIDENTIAL ZONE - 3 TO THE PROPOSED D-OK-1 OAK KNOLL DISTRICT RESIDENTIAL ZONE - 1 AND THE D-OK-7 PASSIVE OPEN SPACE ZONING FOR THE CITY-OWNED BARCELONA PARCEL LOCATED AT BARCELONA STREET AND ST. ANDREWS ROAD, OAKLAND**

This Ordinance (a) adopts the CEQA Findings, including certification of the Supplemental Environmental Impact Report for the Oak Knoll Master Plan Project and (b) amends the zoning for the 5.4-acre City-owned parcel (Barcelona parcel) located along portions of Barcelona Street and St. Andrews Road. Specifically, the Barcelona Parcel would be amended from the RH-3 Hillside Residential Zone -3 to the proposed D-OK-1 Oak Knoll District Residential Zone - 1 and the D-OK-7 Passive Open Space Zone.