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OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 JUN 11 PM 4: 06

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: June 23, 2009

RE: **Public Hearing, Report and Ordinance, Recommended by the Planning Commission, to: (a) Amend the Planning Code to Create Four New Zones for the Central Business District and Make Related Text Amendments; (b) Amend the Zoning Maps to Include the New Central Business District Zones and Height/Bulk/Intensity Areas for the Central Business District; and (c) Amend the Document "Guidelines For Determining Project Conformity with the General Plan and Zoning Regulations" To Reflect the Above Changes**

SUMMARY

This ordinance provides new zoning regulations for the Central Business District (CBD). This proposal is part of the City's ongoing effort to implement the policies of the General Plan through new development standards. The new regulations replace the existing downtown zoning designations with four new designations, establish a map that describes the maximum construction height, bulk, and intensity for different areas of downtown, and list new historic preservation requirements. On April 15, 2009, the City Planning Commission recommended approval of the proposal with minor changes.

The proposal is reflective of policies in the Land Use and Transportation Element of the General Plan (LUTE) that envision Downtown to be a dynamic employment and residential center for the region, with distinct, pedestrian friendly neighborhoods. The proposal also implements LUTE policies that encourage:

- A mixed use, pedestrian oriented downtown;
- The greatest building intensity near transit hubs, particularly near the 12th and 19th Street BART stations, and the Broadway spine;
- An attractive skyline; and
- Implementation of policies in the Historic Preservation Element of the General Plan (HPE) regarding the preservation of historic resources.

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FISCAL IMPACT

Adoption of this ordinance will not have any direct fiscal impacts. The Planning and Building Departments are cost recovering, and all costs associated with development under the new requirements would be covered by permit applications fees. The proposal should facilitate development by providing more efficient permitting processes. More development would result in increased property taxes, sales taxes, and other revenue. These revenues would be partially offset by the ongoing costs of providing City services.

BACKGROUND

In March of 1998, the City of Oakland adopted the Land Use and Transportation Element (LUTE) of the General Plan, including an associated land use map. The LUTE lays out the City's vision for its future development and represents the land use "constitution" for the City. All of the City's land use decisions and plans must be consistent with this document. Typically, a city's zoning code and maps implement its general plan through consistent development standards such as maximum height, allowed uses, and maximum density.

However, revisions Oakland's zoning ordinance and maps were not made at the time of the passage of the LUTE, creating several conflicts between the LUTE, the Planning Code, and the zoning maps. Shortly after the adoption of the LUTE, the City began a process to adopt a new Planning Code, but that effort was not continued.

Updating the Planning Code has again become a priority for the City. On December 11, 2007, the City Council approved a work plan to replace the existing zones in the Planning Code; the Mayor has also stated that the rezoning effort is an important priority. The City Council plan describes a process to adopt new zones that implement each of the LUTE land use classifications in the following order:

1. Housing and Business Mix
2. Business Mix and General Industry and Transportation
3. **Central Business District** (current proposal)
4. Urban Residential, Community Commercial and Neighborhood Center Mixed Use
5. Regional Commercial, Hillside Residential, Mixed Housing Type and Detached Unit Residential
6. Institutional, Resource Conservation and Urban Park and Open Space

The City Council has already adopted three zones to implement the Housing and Business Mix LUTE classification and four more zones to implement the Business Mix and General Industrial and Transportation classifications.

The subject of this report is the proposed regulations for the Central Business District (CBD). The proposed regulations (see *Attachments A, B, and C*) are based on the policies of the LUTE, the current downtown context, regional policies regarding infill development, historic preservation, and design considerations.

There have been three community meetings, eight Zoning Update Committee (ZUC) meetings, eight Landmarks Preservation Advisory Board (LPAB) meetings, and one Planning Commission meeting regarding the proposed CBD rezoning (see *Attachment D* for the April 15, 2009 Planning Commission staff report regarding the CBD rezoning). The meetings have included a joint meeting of the ZUC and the LPAB, a walking tour, and a professionally mediated workshop that included presentations and discussion amongst stakeholder groups.

The Planning Commission heard the item at their April 15, 2009 meeting and recommended that the City Council adopt the proposal with a few minor changes with a vote of four (4) in favor and one (1) abstention. These changes, as well as minor staff revisions, are summarized in *Attachment E* of this report and detailed in Ordinance Exhibit A.

KEY ISSUES AND IMPACTS

The largest impact of the proposal will result from providing specific development standards for new development in the CBD. As mentioned, there have been no development standards to implement the vision set forth by the LUTE since its adoption in 1998. As a result, the evaluation of downtown developments has occurred on an ad hoc basis through a conditional use permit process outlined in a set of guidelines that evaluates a project's consistency with the broad policy statements in the LUTE. Using this process to bridge the gap between the LUTE and the outdated Planning Code creates uncertainty for developers and the public because the City's rules for evaluating projects are not transparent. The process has also lengthened the development review process due to the extra negotiations necessary to approve applications. This proposal addresses these issues by providing specific development standards for the entire CBD.

PROJECT DESCRIPTION

Project Area

The regulations apply to the area designated as the Central Business District in the LUTE. The CBD is bounded by I-980 to the west, I-880 to the south, Lake Merritt and Fallon Street to the east, and 23rd Street to the north (see *Attachment B*). The planning area does not include the Jack London area. This 580 acre area is an East Bay hub for private offices, public agencies, BART

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and AC Transit service and, increasingly, high density residential buildings. As described below, the CBD is a diverse collection of established neighborhoods, new construction, historic resources, retail areas, and recreation space.

Downtown is home to several distinct neighborhoods: Chinatown is a 150 year-old historic business and residential district; City Center contains many state, federal, and local government offices and other activities; the Kaiser Center Business District contains several high rise office towers; the Gold Coast District is a historic neighborhood with urban style housing; and Old Oakland is a historic commercial neighborhood with carefully restored Victorian-style buildings. Neighborhoods range in scale from pockets of single family Victorian homes in the western and southeast areas of downtown to the high rise office towers in the Kaiser Center and City Center neighborhoods. The Uptown neighborhood is burgeoning with new developments and commercial activity with restaurants and bars, the newly renovated Fox Theater, the Paramount Theatre, and the new Uptown apartment development.

Broadway is the major commercial and transit spine of downtown, connecting Chinatown, City Center, Old Oakland, and the Kaiser Center Business District. 14th Street is a major east-west artery connecting West Oakland to Lake Merritt. San Pablo and Telegraph Avenues are also major mixed use transit corridors that radiate from downtown to Berkeley, El Cerrito, and Richmond.

Lake Merritt, just to the east of the CBD, is downtown's major recreational resource. This 155-acre tidal estuary is home to several species of birds and is considered a wildlife refuge by the state. The 3.4 mile path around the lake is well used by joggers, walkers, and bikers. Other parks in the CBD include Snow Park, Frank Ogawa Plaza, Lafayette Park, Jefferson Park, Lincoln Park, Madison Park, and Harrison Park.

Downtown has the greatest concentration of historic buildings in Oakland. It has a rich architectural history that includes many historic neighborhoods, landmarks, and highly rated historic buildings. Some landmark buildings include City Hall, the Paramount and Fox Theatres, the African American Museum, the Lake Merritt Hotel, the Tribune Building, the Rotunda Building, the YWCA, the Alameda County Courthouse, the Malonga Casquelourd Center for the Arts, and several others. There are 17 "Areas of Primary Importance" (APIs)¹ in downtown, ranging in size from a few parcels to several blocks. Examples include: Old Oakland, the Lakeside Apartment District, Chinatown Commercial and residential districts, and the Downtown District. There are also several Areas of Secondary Interest (ASIs)¹ that range in size from one parcel to a small block. *Attachment F* is a map of these districts and historically rated properties in the Central Business District.

¹ APIs and ASIs are historically or visually cohesive areas or property groups identified by City surveys that contain a high proportion of historic buildings. APIs appear eligible for the National Register of Historic Places and thus are considered CEQA Historic Resources. ASIs do not appear eligible and not considered CEQA Historic Resources.

Several pockets of active pedestrian-oriented commercial areas thrive in downtown such as Old Oakland, 19th and 17th Streets near Webster Street, and Chinatown. Broadway has a series of small to medium sized retail storefronts. Downtown was historically the retail core of the city, with several department stores and active retail on many streets. Today, retail has changed—there is one large department store and several smaller national and independent retail stores and restaurants in downtown. Chinatown is a thriving international retail district.

Existing Zoning

Downtown Oakland has a complicated patchwork of twelve (12) different zones. The main downtown commercial zones are the C-51 Central Business Service and C-55 Central Core Commercial Zones. The C-51 zone is mainly located in the western area of downtown and Chinatown; C-55 is located in the core of downtown and the Kaiser Center area. Both C-51 and C-55 allow a wide array of commercial and residential activities without any restrictions on ground floor activities.

The main residential zones for downtown are the R-80 High-Rise Apartment and R-90 Downtown Apartment Residential Zones. All commercial activities in these zones require a conditional use permit and are restricted to spaces only accessible through lobbies of apartment buildings. The C-52 zone is a special zone for Old Oakland. This zone is similar to C-55 except it restricts the height of new construction to 50 feet. Old Oakland also has an S-7 Preservation Combining Zone to require special design review for this historic district. The S-7 zone is also applied to Preservation Park.

The CBD has two other significant overlay zones. The S-8 Urban Street Combining Zone is combined with the C-55 on Broadway to preserve the ground floor for retail commercial activities. The S-17 Residential Open Space Combining Zone provides flexible and reduced open space requirements throughout the CBD.

Attachment G compares the development density and bulk restrictions allowed by the existing zoning to that of the proposed zoning.

Proposal

The regulations are split into three main parts: 1) new zoning designations that contain use and associated design regulations; 2) height, bulk, and intensity regulations; and 3) other design related regulations for new construction. The regulations include two maps: one map showing the zoning designations (see **Attachment B**) and the other showing where different height, bulk, and intensity standards are designated (see **Attachment C**). The height, bulk, and intensity regulations are mapped differently than the zoning designations because often the uses preferred

at a location may not relate to a building's overall size. For instance, pedestrian oriented commercial activities are appropriate for both Broadway and Old Oakland, even though the appropriate bulk of buildings in these areas are very different. This separation allows the number of zones to be reduced from the current eight to the proposed four base zones and from four combining zone to only one combining zone in the current proposal. This technique is a fairly common planning practice and currently used in San Francisco, San Diego, Seattle, and Portland. Several other zoning tools that are new to Oakland are also proposed, including maximum setbacks, required ground floor window space transparency for commercial activities, and other design related standards.

Summary of Proposed Zones. Staff is proposing four new zones: the Central Business District Residential Zone (CBD-R), Central Business District Pedestrian Retail Commercial Zone (CBD-P), Central Business District General Commercial Zone (CBD-C), and Central Business District Mixed Commercial Zone (CBD-X). The mapping of the zones is based on staff research and public input, including:

- A parcel-by-parcel land use inventory performed by staff of existing uses in the Central Business District. This information was used to divide Downtown Oakland into 27 contextual "sub-districts" based on the prevailing character of each block (or portion of a block). These maps were particularly useful in determining the extent of ground floor retail uses, which was critical in determining potential retail nodes.
- Discussions with the staff of the City's Economic Development Division and Façade Improvement Program regarding the feasibility of ground floor retail and commercial activities at different locations;
- Information in the City's Retail Enhancement Study that identified Downtown retail nodes, including Old Oakland, Uptown, Chinatown, and Broadway; and
- Input from the ZUC, LPAB, stakeholders, and residents provided in meetings with staff and at public hearings.

The following is a summary of the zones:

The CBD-R zone is proposed to be mapped in existing residential neighborhoods such as the Gold Coast District, the Uptown area, and neighborhoods containing low-rise apartment buildings and Victorian era structures near Chinatown and Jefferson Square. The zone allows a wide range of small, ground level facilities including offices, retail, and residential, but preserves upper stories for residential units. In general, the zone requires a use permit for businesses greater than 7,500 square feet to protect the character of residential neighborhoods and mitigate the impacts of larger businesses. Development regulations for the CBD-R zone reflect a more residential emphasis including no maximum front yard setback, a required grade separation between the floor level of residential units and the street, and only a 50 percent ground floor transparency requirement for commercial storefronts.

The CBD-P zone intends to create and enhance retail nodes and streets by encouraging ground level, pedestrian oriented, active storefront uses. This zone requires new development to have ground level retail space with a storefront appearance. Upper story spaces are allowed to contain a wide range of commercial and residential activities. Purely administrative offices and residential activities would not be allowed on the ground floor in the CBD-P zone. Special design requirements for the CBD-P zone include:

- A relatively high ground floor transparency requirement of 70 percent to create a more active and interesting streetscape;
- A minimum 15-foot ground floor height to create a human scale at the street; and
- A maximum setback requirement of five feet from the sidewalk for the first three stories of a building. This regulation establishes a street edge that creates a comfortable pedestrian scale and a unified street space. This setback requirement is required over 75 percent of the lot line adjacent to the principal street, with exceptions for outdoor seating.

The zone is proposed to be located in the Chinatown commercial district, Broadway, Old Oakland, along 14th Street, in various existing retail nodes, and in areas identified by the Conley Retail Study to be potential retail nodes. The CBD-P zone also provides a future pedestrian route down 14th Street from Broadway to the Lake and connections from retail nodes such as 17th and 15th Streets between Webster and Harrison to Broadway, downtown's major artery.

The CBD-C zone is a general commercial zone that encourages a wide variety of ground floor commercial activities including office, retail, and service businesses. Upper story spaces are available for a wide range of commercial and residential activities. Residential activities would not be permitted on the ground floor in the CBD-C zone. This zone is located in the Kaiser Center area and the core areas of downtown that are outside Broadway and the CBD-P zone. The CBD-C zone has design requirements that are similar to CBD-P zone except it has a ground floor transparency requirement of 60 instead of 70 percent. This reduction is made because the CBD-C zone is expected to have more administrative activities and lobbies on the ground floor than the CBD-P zone.

The CBD-X zone is intended to flexibly adapt to a changing development environment by allowing a wide variety of building types and activities, including residential, commercial, and light industrial (light industrial activities would require a conditional use permit). Neither commercial nor residential activities are limited to any part of a building. This designation is proposed for areas still forming a distinct identity such as some western areas of downtown and the County Government Center. This zone has a minimum transparency requirement of 50 percent for ground level commercial facilities and a 10-foot maximum setback requirement for only the ground floor.

The following table summarizes the information provided above:

	CBD-R	CBD-P	CBD-C	CBD-X
Location	See <i>Attachment B</i>	See <i>Attachment B</i>	See <i>Attachment B</i>	See <i>Attachment B</i>
Intent	Development of residential neighborhoods	Development of pedestrian retail nodes and streets	Encourage general commercial activities	Allow a mix of building types and activities
Ground floor uses	Small ground level commercial facilities including offices, retail, and residential	Small pedestrian oriented commercial retail and restaurant activities	Wide variety of commercial activities	Wide variety of commercial and residential activities
Upper story uses	Residential	Commercial or residential	Commercial or residential	Commercial or residential
Maximum setback from sidewalk for bottom three stories*	Not regulated	5 feet*	5 feet*	10 feet, but only on ground floor*
Percent transparency in front of ground floor commercial facilities	50 percent	70 percent	60 percent	50 percent
Minimum ground floor height	12 feet	14 feet	14 feet	14 feet

* Only required over 75 percent of the street frontage. Exceptions are included for restaurant seating areas.

Summary of Height/Bulk/Intensity Regulations. The height/bulk/intensity map is separated into seven basic designations (see *Attachments C and H*). Area 1 allows the least intensive development and Area 7 the most. Each height area allows a “base” of a building with no bulk restrictions and, with the exceptions of Height Areas 1 and 2, a “tower” above the base with regulations relating to width and bulk. The lower the height area, the less bulk is allowed in a building, particularly above the base, and a narrower tower is required. To encourage creativity, the regulations provide a significant amount of flexibility to designers regarding the location and shape of the tower.

Staff recommends a base and tower building design for several reasons:

- It is important that a building has a base at the street to create a “wall” to define the street space. In general, the height of this wall should be at least half the width of the street right-of-way to achieve this definition. On the other hand, if this wall is too high, its scale can overwhelm the street and the pedestrian. The proposed base provides the appropriate balance between these two factors;
- The tower requires some level of articulation in each building to provide visual interest;
- Towers will reduce the upper story bulkiness of buildings that block views and cast shadows on streets and sidewalks;
- The reduction in scale on the upper floors will accommodate windows on all four sides of each building; and

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- The proposal recommends maximum flexibility for the location of the towers to allow significant creativity. This will allow for a variety of building forms for the skyline and flexibility in creating site specific solutions.

In general, the greatest building intensity is proposed to be near the Broadway core and intensity graduates down to the eastern and western edges of downtown. This strategy is reflective of LUTE policies regarding establishing a core on and near Broadway to increase ridership at the 12th and 19th Street BART stations, reinforce existing development patterns, and expose an interesting skyline at the interior of the downtown. The lowest height area is designated for historically rated neighborhoods known as “Areas of Primary Importance” (APIs)² where a particular height is a characteristic feature of the district³. These districts are generally lower scale residential neighborhoods that ring the edges of downtown. The regulations also provide for the narrowest towers near the lake to preserve view from and to the lake. Staff also considered gateway locations, transitional areas, and neighborhood identity in drawing the height map.

Height Areas. The following describes the regulations and location of each of the height areas. For reference, the height areas referred to below are shown in Table 17.58.04 of **Attachment A** and **Attachment H**. Note that the numbering system for the height areas has modified since the April 15, 2009 Planning Commission meeting because the name of Height Area 1a has been changed to Height Area 2. This required the names of Height Areas 2 to 6 to be changed to 3 through 7. In other words, previous versions of the proposal contained Height Areas 1, 1a, 2, 3, 4, 5, and 6; the proposed version contains Height Areas 1, 2, 3, 4, 5, 6, and 7.

As mentioned, *Height Area 1* is the least intense designation, with a 55-foot height limit. It is generally located in APIs where height is a character defining feature, such as the Lakeside Apartment District, Old Oakland and smaller residential neighborhoods on the eastern ring of the Central Business District. This designation was chosen for these areas to preserve the character of these districts (see “Historic Resources” section, below)

Height Area 2 (previously Height Area 1a) has an 85-foot height limit and is applied to the 244 Lakeside Drive API, a district located between Snow Park and Lake Merritt, to preserve this cluster of A1+ historically rated residential properties. The district includes the Regillus building (110 feet tall), 244 Lakeside Drive (131 feet tall), Lake Merritt Hotel (70 feet tall), and the Schilling House Garage. An A1+ historic rating is Oakland Heritage Survey’s highest rating for a historic building. The Schilling Gardens site at 222 19th Street, another A+ rated property, was

² APIs are historically or visually cohesive areas or property groups identified by City surveys that contain a high proportion of historic buildings. APIs appear eligible for the National Register of Historic Places.

³ Height is a character-defining feature district when most of the buildings that contribute to the API are about the same height and this height contributes to the historic character of the neighborhood.

excluded from this height area, despite its being in the 244 Lakeside Group API. This issue is discussed on page 17 of this report. Height area 2 is also applied at the following locations:

- On Alice and Jefferson Streets adjacent to the Lakeside Apartment District to provide a transition between Height areas 1 and 4; and
- On the western edges of downtown to provide low to mid-rise development opportunities at these locations.

Height Area 3 (previously Height Area 2) provides a 55-foot base and allows a narrow tower that can reach 170 feet tall. This designation is applied to a small portion of the Gold Coast (an area near the western shore of Lake Merritt), where it is consistent with existing heights while still preserving future views to and from Lake Merritt. The Gold Coast recommendation is further discussed on page 16, below.

Height Area 4 (previously Height Area 3) allows an 85-foot base with a tower that can reach a height of 275 feet. An 85-foot base is allowed in Height Areas 4 through 6 to provide a scale appropriate for the approximately 80 foot wide street right of ways for those areas. This designation is applied to the following areas:

- Between Jefferson Street and Martin Luther King Jr. Way in the western area of the CBD, to provide a transition between Height Areas 5, 2, and 1;
- San Pablo Avenue at the northwest corner of the CBD map, to serve as a gateway into downtown;
- The area near the intersection of Broadway and 6th Street, to allow a view of the taller buildings planned for the Broadway core area;
- On 19th and 17th Streets, to be consistent with existing development patterns.
- In the Chinatown residential area in the southeast area of downtown. This designation is generally applied to this area and will be refined during the Lake Merritt BART Station Specific Plan process (see Page 17, below).

Height Area 5 (previously Height Area 4) allows an 85-foot base and a 400-foot maximum height and is proposed for the following two areas:

- The Civic Center area bounded by Madison, Harrison, 11th, and 14th Streets. This designation was applied here because the many development sites in the area could serve as an extension of the Broadway Core; and
- Harrison Street between 14th and 17th Streets to serve as a transition between the downtown core (Height Area 5) and the Lakeside Apartment District (Height Area 1).

Height Area 6 (previously Height Area 5) is applied to the outer ring of the Broadway Core area and *Height Area 7* (previously Height Area 6) is applied to the inner part of the Broadway Core area and the Kaiser Center. Both these height areas allow unlimited height, while Area 7 allows a taller base height to account for the greater street width on Broadway. These areas are designated at locations to implement LUTE policies to establish a high-rise core on and near Broadway. These height areas also allow for the largest tower floor plates to fulfill LUTE policies regarding the encouragement of office development in the core of the CBD.

The proposal requires that new construction from the eastern side of Harrison Street to the lake (see "Special Area A" in *Attachment C*) cover no more than two-thirds (2/3) the length of any east or west side property line. This regulation is proposed to preserve views to and from the lake. Lots less than 90 feet wide are proposed to be excluded from this regulation to allow construction of towers on smaller lots.

Other Design Regulations. The following is a summary of proposed design regulations applying to new construction in all the zones:

- *Entrance:* Newly constructed principal buildings are proposed to have at least one prominent pedestrian entrance facing the principal street.
- *Ground Floor Treatment:* All ground floors are proposed to be constructed of durable and high quality exterior materials.
- *Active Space Requirement:* Parking spaces, locker areas, mechanical rooms, and other non-active spaces are proposed to be located outside the front 30 feet of a building.
- *Parking and Loading Location:* Access to parking and loading facilities are proposed to be located from a secondary frontage or an alley, where possible.
- *Massing:* The proposal requires the mass of newly constructed principal buildings to be broken up into smaller forms to enhance the visual interest of the streetscape.
- *Upper Story Windows:* The proposal contains a provision requiring ample placement of windows above the ground floor.
- *Building Terminus:* An element that provides a visual terminus is proposed to be required at the top of new buildings.
- *Utility Storage:* The proposal includes a provision requiring that areas housing trash, storage, or other utility services be located in the garage or otherwise completely concealed from view of the public right-of-way.

Historic Resources

The CBD has the greatest concentration of historic buildings in the City. In formulating regulations regarding these historic resources, staff has balanced several important policies in the

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LUTE and the Historic Preservation of the General Plan regarding encouraging downtown building intensity, historic preservation, and neighborhood identification. This section summarizes staff's proposal.

As mentioned in the "Summary of Height/Bulk/Intensity Regulations" subsection, above, a factor in developing the height map was the location of historic resources. This approach applies height limitations to preserve or allow appropriate construction in historic areas. Staff proposes Height Area 1 (at 55 feet, the height area with the lowest maximum height of any proposed height area) to cover nearly all the APIs where a certain height is a defining historic characteristic of the district. In general, the current height context of these districts range from about 35 feet to 55 feet.

Design review findings and processes for Historic Resources. Section 17.136.055 of Exhibit A of the ordinance contains proposed findings and processes regarding the treatment of historic properties downtown. The new findings would require alterations to a historic structure to retain the character of the building and would also require that repair, not replacement, of character defining features be performed whenever feasible.

Approval of Design Review applications involving new construction and major additions to buildings that contribute to APIs would require the following findings:

- The construction is compatible with other buildings in the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and detailing;
- New construction has street frontage consistent with the district and has high visual interest;
- The proposal is visually cohesive with the district.
- The development transitions to lower scale historic properties in areas where height is a character defining feature of the district;
- Any new additions are consistent with the Secretary of Interior Standards for the Treatment of Historic Resources. This finding can be waived 1) upon the granting of a conditional use permit; 2) if the addition will not result in the API losing its status as an API; and 3) after a hearing in front of the LPAB. Findings relating to quality, craftsmanship, and the scale of new buildings in an API are also proposed.

Approval of other Design Review applications involving historic properties outside an API would require the following findings:

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- The construction is compatible with the existing district and/or building in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
- The proposal does not remove the designation of a historic district; and
- Upper story additions are stepped back at least 5 feet at the front façade..
- Applications can bypass the previous three findings if the proposal will result in a signature quality building. This process would require a hearing in front of the LPAB.

The proposal also includes requirements that: 1) a new building in an API, and 2) any construction of a building over the height context of an API, where a height context is a character defining feature of the district, be heard in front of the LPAB for their advice and recommendations to the decision making body. Note: Not all APIs have a height context that is a character defining feature. Determination of which APIs have a height context and what those height contexts are will be determined prior to the effective date of the regulations.

Demolition Findings. Staff is in the process of developing new findings required for the demolition of historic resources. Staff will present its recommendations at a future meeting of the City Council, after a hearing before the LPAB and a recommendation from the Planning Commission.

Other recommendations regarding historic resources. Other recommendations regarding historic resources include:

- Providing open space and parking space requirement relief for developments that involve the rehabilitation of historic buildings. This recommendation allows the rehabilitation of historic buildings when it otherwise may be impractical due to parking and open space regulations. Note: this text has not yet been placed in the proposal, but will be in future drafts.
- Allowing the conversion of historic buildings to bed and breakfast hotels and relaxing activity regulations in historic buildings. This recommendation would encourage the rehabilitation of buildings through adaptive reuse;
- Expansion of the Mills Act program to larger buildings downtown. This study would take place in the future and be separate from the current rezoning process;
- Studying downtown view corridors to historic or important features. This study would take place in the future and be separate from the current rezoning process;

Consistency with and Implementation of the LUTE

The proposal is consistent with and directly implements the vision provided by the LUTE. Overall, the proposal encourages downtown development by allowing high building intensity. Most of the Central Business District would allow a density at the LUTE maximum of 300 residential units per gross acre to encourage a vital downtown and residents near BART stations. Further, much of the downtown would have no height limit and the maximum allowable FAR under the LUTE. As mandated by the LUTE, the most building intensity is proposed around the Broadway core and the Kaiser Center to take advantage of the convenient transit at the 12th and 19th Street BART stations. These areas also allow the largest building tower floor plates in the CBD to encourage the Kaiser Center and Broadway core to expand their function as regional office centers (office development requires large floor plates to be marketable). Much of the area also allows ground floor offices to further encourage construction of office space.

The proposed zoning maps enhance and connect distinct pedestrian-oriented retail nodes in this core of the CBD through regulations requiring activities and ground floor building design that provide pedestrian interest. These nodes include Broadway, Telegraph Avenue, 17th Street, 15th Street, in Chinatown, Old Oakland, and other locations. The identity of residential neighborhoods is also enhanced through applying a new residential zone that encourages upper story housing and allows ground floor retail space to serve local residents. In general, staff recommends the stricter height regulations to the neighborhoods with the most residential character, particularly those with a concentration of historic buildings, to preserve their distinct character. Proposed regulations regarding historic neighborhoods will further protect the distinct character of neighborhoods (see “Height and Historic Resources” section, below). The regulations also allow a mix of residential and commercial activities throughout downtown to provide convenient shopping for residents and a lively street environment.

The proposal will enhance the visual quality of downtown through several methods. Design regulations are included to ensure a ground floor pedestrian orientation such as minimum window transparencies; a requirement for high quality materials; minimum ground floor heights; maximum front yard setbacks; a requirement for new buildings to have a prominent entrance; and parking location requirements. Regulations regarding the breaking up of upper story mass and the placement of windows on all sides of a tower will create visual interest in the upper stories. The proposal allows varied tower locations, shapes, and sizes to create an interesting skyline. Graduating height toward the Broadway core will allow views of the tallest buildings from several vantage points. Several recommendations are proposed to protect the design of historic buildings (see “Height and Historic Resources” section, below).

Finally, the proposal does not permit a density or FAR greater than that allowed by the LUTE. The LUTE maximum density is 300 units per gross acre. According to the General Plan

Guidelines, this density translates to one unit per 87 square feet of lot area. No areas are proposed to exceed these maximums.

Changes at or since the April 15, 2009 Planning Commission Meeting

Attachment E contains the changes to the proposal made at or since the April 15, 2009 Planning Commission Hearing. These changes are either recommended by the Planning Commission or minor changes recommended by staff.

Major issues

The following is a summary of some of the major issues of discussion during the ZUC and Planning Commission review of the proposal.

Height and Historic Resources. The related issues of what the allowed height should be in various areas of downtown and the protection of historic resources have been a major focus of the meetings in front of the Planning Commission and the ZUC. On the one hand, the LUTE (as well as regional and state policies) clearly calls for much greater development and building intensity in downtown where there is easy access to transit, available land, and opportunities for a vibrant, mixed use community. On the other hand, the LUTE and the Historic Preservation Element (HPE) of the General Plan also call for a variety of downtown building intensities to preserve historic neighborhoods and historic resources, establish a downtown "spine" near Broadway, and create a varied and interesting skyline.

Staff believes the current proposal strikes a good balance between these competing priorities. Staff is proposing no height limits and a maximum floor area ratio of 20.0 through the core of downtown and the Chinatown commercial district where there are heavily used BART stations and a hub of AC Transit service. Staff also proposes significant development throughout downtown where there are available parcels, including a 400-foot height limit in the County Civic Center (the area bounded by Madison, 11th, Harrison, and 14th Streets), the Telegraph and San Pablo Avenue gateways, and other locations.

At the same time, staff acknowledges that the downtown has the greatest concentration of historic resources in the City. These resources will be protected by applying the most restrictive height limits in Areas of Primary Importance (APIs, Oakland Heritage Survey's highest rated historic neighborhoods) where height is a character defining feature of the district. In the historic districts where there is a strong context of a particular height, staff has lowered the height limit to 55 feet. Allowing greater building heights in these neighborhoods could endanger the cohesiveness of these historic districts. In historic districts where height is not a strong context, staff does not propose these same height restrictions, but does propose design findings that

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require new buildings and additions to strongly relate to the historic features of the neighborhood.

Lakeside Drive. Appropriate height regulations for Lakeside Drive between 14th and 17th Streets have been a key issue for discussion (see Issue Area A in *Attachment I*). This area is an API and features a mix of historic and more recently constructed buildings, such as the approximately 128-foot tall Scottish Rite Temple, 36 – 50-foot tall historic apartment buildings, and 12-16 story modern apartment buildings. Overall, the heights of buildings vary significantly from an approximately 25-foot-tall apartment building on the corner of 17th Street and Lakeside Drive to the approximately 170-foot tall apartment building at 1503 and 1515 Lakeside Drive. The parcels on this part of Lakeside Drive face Lake Merritt and are approximately 190 to 450 feet from its shore.

Coalition of Advocates for Lake Merritt (CALM) has consistently proposed that this area have a 55-foot height limit, arguing that greater height would block views and solar access to the Lake. CALM has further argued that staff's proposed height limit is inconsistent with LUTE policies regarding the area's designation as a "maintain and enhance" neighborhood.

Conversely, the Oakland Builders Association has argued that this neighborhood's proximity to the Lake makes it a desirable area for residential development. Therefore, OBA suggests that staff propose taller heights to fulfill LUTE policies regarding a vibrant, transit oriented, and populated downtown.

Staff has proposed Height Area 2 for this part of Lakeside Drive. This designation allows a 55-foot base height with a narrow tower up to 170 feet. The average tower floor plate could be no more than an average of 7,500 to 10,000 square feet, depending on the size of the lot. Towers would not be allowed to cover more than two-thirds (2/3) the length of any east or west side property line to preserve views to and from the lake. This proposal will be beneficial for the area in terms of solar access, views to and from the lake, the effect on the skyline, existing context, and development potential. The following is an analysis of these issues:

- *Solar access:* Shadow studies for the Essex building show that taller buildings in this area would have little solar impact on the lake due the alignment of the lots on this part of Lakeside Drive. The solar impact is additionally mitigated by the significant separation between the parcels and the lake edge.
- *View impacts:* The proposed narrow towers and limitations on tower coverage will allow views to and from Lake Merritt.
- *Skyline:* As mentioned much of the existing development on Lakeside Drive is approximately 170 feet tall and the Scottish Rite Temple is approximately 128 feet tall. Therefore, the proposal is consistent with the current context. Staff believes that greater

heights would be too tall to allow a proper foreground to present the inner part of downtown, particularly for views from the eastern side of the lake.

- *Development Potential:* Staff believes that a 170-foot tall building provides ample development potential for the district. This height is taller than many buildings that have been proposed and constructed in the core of downtown.

222 19th Street. 229 19th Street is the site of Schilling Gardens, an A-rated historic resource that has been proposed for a 42-story residential tower (see Issue Area B on *Attachment I*). The site is in the 244 Lakeside Drive Group API and is part of the original site of the August Schilling (of Schilling Spices) estate. Staff proposes Height Area 3 (275 foot height limit, 85-foot tall base height, and 15,000 square foot average tower floor plate) for this location. Staff proposes this height to provide an appropriate height transition to the taller office buildings in the Kaiser Center and to provide an edge to Snow Park. The OBA has argued that this height maximum would limit development and be counter to LUTE policies regarding a vibrant, transit oriented, and dense downtown. The Oakland Heritage Alliance (OHA), CALM, and members of the neighborhood have argued that this height is out of scale with the neighborhood and will block views and sunlight to and from the Lake, and that this parcel should not be treated differently than the rest of the 244 Lakeside Drive Group API, which is proposed for an 85-foot height limit.

Chinatown East. The Greater Chinatown/Lake Merritt BART Station Area is designated as "Issue Area C" on *Attachment I*. This area generally consists of single-family homes and apartment buildings, urban parks, the MetroCenter (headquarters for the Metropolitan Transportation Commission and the Association of Bay Area Governments), and the Lake Merritt BART Station. The 7th Street/Harrison Square Residential District API is also located in this area. This historic district contains a high concentration of 19th and early 20th Century historic structures that vary in quality but together constitute a neighborhood with a consistent historic and height character. Staff recommends that all of Chinatown outside of the commercial area be designated Height Area 3 on the height map. The Chinatown Chamber of Commerce has argued that this area should have no height limits to maximize development potential and land values.

As mentioned, this area contains a lower-scale historic neighborhood as well as a BART station. Policies in the LUTE encourage both preservation of the historic scale of the neighborhood and intense development near the BART station. Staff believes more study is required on how to allow intense development compatible with the historic resources in the neighborhood. This will occur through the Specific Plan process that is currently underway. Staff proposes designating this area Height Area 3 to provide development opportunity around the BART station until adoption of the Lake Merritt BART Area Specific Plan.

1443 Alice Street. The issue of the allowed height for 1443 Alice Street has been another point of discussion during ZUC meetings and through correspondence to staff from the public (see *Attachment I*, Issue Area D). The site is the third lot north of 14th Street on the west side of Alice Street. This site currently has a B-rated, 45-50 foot tall historic garage. An application for a 37-story, 395-foot tall building (up to 245 residential units) built above the historic garage has been submitted to the City.

Previously, this site was to be in the same height area as 14th Street (Height Area 4--400 foot height limit) to accommodate development potential at the site. The current proposal designates this area as Height Area 2 (85-foot maximum) because:

- This height is consistent with the rest of that part of the Lakeside Apartment District API;
- The height of the existing 45-50 foot tall historic garage is consistent with the rest of the API;
- The site contains a historic garage and is a Designated Historic Property with a B rating;
- A 400-foot tall building would be out of scale with the A-rated Melonga Casquelourd Center for the Arts, which is across from the site;
- The Lakeside Apartment District is an API where a height is a character defining feature of the neighborhood. A 400-foot tall building would be out of scale with the neighborhood as a whole and would reduce the architectural cohesiveness of the district; and
- The site does not face 14th Street, where the height map focuses taller buildings.

Environmental Determination

Several past environmental documents discussed and evaluated the environmental impacts associated with this proposal and reliance on them satisfies any requirements under the California Environmental Quality Act (CEQA). These documents include the Environmental Impact Report (EIR) for the LUTE, certified in 1998; the Initial Study/Mitigated Negative Declaration for the 2004 Housing Element Update, certified in 2004, and the EIR for Amendments to the Historic Preservation Element of the Oakland General Plan, certified in 1998. As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and/or 15061(b)(3) (General Rule—no possibility of significant environmental impact). A detailed environmental determination is contained in *Attachment J*.

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General Plan Guidelines

On May 12, 1998, the City Council adopted interim controls that implement the General Plan prior to the adoption of revisions to the Oakland Planning Code. These interim controls are in the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (General Plan Guidelines). However, the new CBD zones will now implement Central Business District LUTE designations. Therefore, staff proposes to replace CBD-related text in the General Plan Guidelines that implement the designation with text that refers to the Planning Code (see Exhibit D of the ordinance).

SUSTAINABLE OPPORTUNITIES

Economic: Adoption of the ordinance will increase job opportunities and housing in the City by allowing a more efficient development review process in the CBD.

Environmental: Adoption of the ordinance will alleviate transportation related pollution by: 1) increasing transit use by intensifying development at the hub of East Bay transit service; and 2) shortening commutes by allowing increased development in the inner Bay Area.

Social Equity: The increased housing and jobs resulting from the proposal will benefit citizens of all income levels.

DISABILITY AND SENIOR CITIZEN ACCESS

All new development accommodated by this ordinance will be required to comply with the Americans with Disabilities Act.

RECOMMENDATIONS AND RATIONALE

Staff and the Planning Commission recommend the proposed:

- Amendments to the Planning Code to create four new zones for the central business district and make related text amendments;
- Amendments to the zoning maps to include the new Central business District zones and height/bulk/intensity areas for the Central Business District; and
- Amendments to the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the above changes.

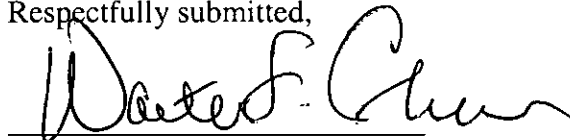
By providing specific standards for new development in the CBD, this proposal will implement the policies presented in the General Plan and create certainty for the developers and the public regarding the City's expectations for new development.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt an Ordinance that:

1. Adds a new Oakland Planning Code Chapter 17.58 "Central Business District Zones Regulations" that creates the following four new zones: "Central Business District Residential Zone", "Central Business District Pedestrian Retail Commercial Zone", "Central Business District General Commercial Zone", and "Central Business District Mixed Commercial Zone".
2. Makes amendments to the Planning Code related to the creation of the new zones.
3. Amends the City's zoning maps to apply these zones and height/bulk/intensity areas in the part of the City that is currently classified "Central Business District" on the LUTE land use map;
4. Amends the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the creation of the new zones.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Eric Angstadt, Deputy Director
Community and Economic Development

Prepared by:
Neil Gray, Planner III
Planning and Zoning/Strategic Planning

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the City Administrator

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Attachments:

- A. Proposed text for the Central Business District zones (Planning Code Chapter 17.58)
- B. Proposed zoning map
- C. Proposed height map
- D. Staff report for the April 15, 2009 Planning Commission Meeting (without Attachments)
- E. Changes made to proposal at or since the April 15, 2009 Planning Commission Meeting
- F. Maps of historic resources
- G. Comparison of existing and proposed density and bulk regulations
- H. Summary of proposed height/intensity/bulk regulations
- I. Issue area map
- J. Environmental Determination

ATTACHMENT A: PROPOSED TEXT FOR THE NEW CENTRAL BUSINESS ZONES CHAPTER

Note: Entire Chapter 17.58 is composed of new text and therefore not redlined, except changes made at or since the 4/15/09 Planning Commission meeting. Additions are underlined; deletions are in ~~strikeout~~. (See Attachment E for narrative explanation of the changes)

Chapter 17.58 CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

17.58.010	Title, Purpose, and Applicability
17.58.020	Required Design Review Process
17.58.030	Conditional Use Permit for Large Projects
17.58.040	Permitted and Conditionally Permitted Activities
17.58.050	Permitted and Conditionally Permitted Facilities
17.58.060	Property Development Standards
17.58.070	Usable Open space standards

17.58.010 Title, Purpose, and Applicability

- A. Intent.** The provisions of this Chapter shall be known as the Central Business District (CBD) regulations. The intent of the CBD regulations is to:
1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.
 2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.
 3. Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.
 4. Encourage and enhance a pedestrian-oriented streetscape.
 5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.
 6. Preserve and enhance distinct neighborhoods in the Central Business District.
- B. Description of zones.** This Chapter establishes land use regulations for the following four zones:
1. **CBD-R Central Business District Residential Zone.** The intent of the CBD-R zone is to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses.
 2. **CBD-P Central Business District Pedestrian Retail Commercial Zone.** The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business

District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

3. **CBD-C Central Business District General Commercial Zone.** The intent of the CBD-C zone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.
4. **CBD-X Central Business District Mixed Commercial Zone.** The intent of the CBD-X zone is to designate areas of the Central Business District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activity.

17.58.020 Required Design Review Process

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

17.58.030 Conditional Use Permit for Large Projects

No development that involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the planned unit development procedure (See 17.140 for the PUD procedure).

17.58.040 Permitted and Conditionally Permitted Activities

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD-R, CBD-P, CBD-C and CBD-X zones. The descriptions of these activities are contained in Chapter 17.10.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.
- “L” designates activities subject to certain limitations or notes listed at the bottom of the Table.
- “--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Activities					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	17.102.212

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	17.102.212
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	17.102.212
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	17.102.212
Semi-Transient	C	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	
Community Assembly	C	C(L6)	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	
Special Health Care	--	C(L6)	C	C	<u>17.102.410</u>
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Café	P(L4)(L7)	P	P	P	
Convenience Market	C(L7)	C	C	C	17.102.210
Fast-Food Restaurant	--	C	C	C	17.102.210 and 8.09
Alcoholic Beverage Sales	C(L7)	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	--	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	
Consumer Service	P(L4)(L7)	P(L4)	P	P	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	--	C	C	C	17.102.430
Consumer Laundry and Repair Service	P(L4)(L7)	P(L5)	P	P	
Group Assembly	C(L7)	P(L4)	P	P	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Business, Communication, and Media	P(L4)(L7)	P(L5)	P	P	

Table 17.58.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Services					
Broadcasting and Recording Services Commercial Activities	--	P(L5)	P	P(L4)	
Research Service	P(L4)(L7)	P(L5)	P	P	
General Wholesale Sales	--	--	--	C	
Transient Habitation	C(L8)	C(L6)	P	C	17.102.370
Wholesale and Professional Building Material Sales	--	--	--	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	--	C	
Automobile and Other Light Vehicle Gas Station and Servicing	--	--	C(L9)	C(L9)	
Automobile and Other Light Vehicle Repair and Cleaning	--	--	--	--	
Taxi and Light Fleet-Based Services	--	--	C(L9)	C(L9)	
Automotive Fee Parking	C(L10)	C(L10)	C(L10)	C(L10)	
<u>Animal Boarding</u>	--	--	--	--	
Animal Care	--	C(L6)(L11)	C(L11)	C(L11)	
Undertaking Service	--	--	C	C	
Industrial Activities					
Custom Manufacturing	-- (L12)(L11)	--(L12)(L11)	--(L12)(L11)	C(L9)	17.102.040
Light Manufacturing	-- (L12)(L11)	--(L12)(L11)	--(L12)(L11)	C(L9)	17.102.040
General Manufacturing	-- (L12)(L11)	--(L12)(L11)	--(L12)(L11)	--(L12)(L11)	17.102.040
Heavy/High Impact	--	--	--	--	
Research and Development	--	--	C(L9)	C(L9)	
Construction Operations	--	--	--	--	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	--	--	--	C(L9)	
B. General Outdoor Storage	--	--	--	--	
C. Self- or Mini Storage	--	--	--	--	
D. Container Storage	--	--	--	--	
E. Salvage/Junk Yards	--	--	--	--	
Regional Freight Transportation	--	--	--	--	
Trucking and Truck-Related	--	--	--	--	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	--	--	C	C	17.10.040
B. Primary Recycling Collection	--	--	--	--	

Table 17.58.01: Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Centers					
C-Intermediate Recycling Processing Facility	--	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	
Agriculture and Extractive Activities					
Crop and animal raising	--	--	--	--	
Plant nursery	--	--	--	--	
Mining and Quarrying	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	17.102.110

Limitations:

- L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L2. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.
- L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand-five hundred (7,500) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:
 - a. The proposal will not impair a generally continuous wall of building facades;
 - b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - c. The proposal will not interfere with the movement of people along an important pedestrian street.
- L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the

principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in note L5, above.

- L7. These activities may only be located on or below the ground floor of a building with the following exceptions:
- a) ~~unless if both~~ the floor area devoted to the activity is less than 2,000 square feet or less and the activity takes place in a Local Register property. ~~In this case, then~~ the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see 17.134 for the CUP process).
 - b) An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.
- L8. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.
- L9. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.
- L10. Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure that is at least three stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.
- ~~L11. Kennels are not permitted.~~
- L11~~2~~. These activities are not allowed as a principal activity but are permitted as an accessory activity subject to the regulations contained in 17.10.040F.

17.58.050 Permitted and Conditionally Permitted Facilities

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD-R, CBD-P, CBD-C, and CBD-X zones. The descriptions of these facilities are contained in Chapter 17.10.

- “P” designates permitted facilities in the corresponding zone.
- “C” designates facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.
- “L” designates facilities subject to certain limitations listed at the bottom of the Table.
- “-” designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwellings	P(L1)	--	--	--	
One-Family Dwelling with Secondary	P	--	--	--	17.102.360

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Unit					
Two-Family Dwelling	P	--	--	--	
Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
Mobile Home	--	--	--	--	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C	C	C	C	
Sidewalk Café	P	P	P	P	17.102.335
Drive-In Nonresidential	--	--	--	C	
Drive-Through Nonresidential	--	--	--	C	
Telecommunications Facilities					
Micro Telecommunications	P	P	P	P	17.128
Mini Telecommunications	P	P	P	P	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	--	--	--	--	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	--	--	--	--	17.104

Limitation:

L1. New construction of a One-Family Dwelling is not permitted.

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.

Table 17.58.03: Property Development Standards					
Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Minimum Lot Dimensions					

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Width	25 ft	25 ft	50 ft	50 ft	1
Frontage	25 ft	25 ft	50 ft	50 ft	1
Lot area	4,000 sf	4,000 sf	7,500 sf	7,500 sf	1
Minimum/Maximum Setbacks					
Minimum front	0 ft	0 ft	0 ft	0 ft	2
Maximum front and street side for the first story	None	5 ft	5 ft	10 ft	3
Maximum front and street side for the second and third stories or 35 ft, whatever is lower	None	5 ft	5 ft	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	4
Minimum corner side	0 ft	0 ft	0 ft	0 ft	5
Rear	10 ft	0 ft	0 ft	0 ft	6
Design Regulations					
Ground floor commercial façade transparency	50%	70%	60%	50%	7
Minimum height of the ground floor	±2-15 ft	±4-15 ft	±4-15 ft	±4-15 ft	8
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	9

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty (50) percent or more of the frontage on the same block and side of the street is in a residential zone.
3. The following notes apply to the maximum yard requirements:
 - a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. In the CBD-P, CBD-C, and CBD-X zones, these maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.035, the proposal must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible sidewalk cafes and restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;

B. Design Standards Applying to All Zones. The following regulations apply to all of the zones:

1. **Entrance.** Newly constructed principal buildings shall have at least one prominent pedestrian entrance facing the principal street. Entrances at building corners facing the principal street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of projecting or recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for nonresidential facilities shall be at grade.
2. **Ground Floor Treatment.** All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include, but are not limited to stone, tile, brick, metal panel systems, glass, and/or other similar materials. Further, the ground level of a newly constructed building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This is achieved by designing a building base that is distinct from the rest of the building through the use of some combination of change of material, enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements. For buildings with nonresidential ground floor space, visual interest shall also be achieved through modulating the ground floor into a regular cadence of storefront sized windows and entrances.
3. **Active Space Requirement.** For newly-constructed principal buildings, parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by subsection (E4).
4. **Parking and Loading Location.** For newly constructed principal buildings, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Open parking areas shall not be located between the sidewalk and a principal building.
5. **Massing.** The mass of newly-constructed principal buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this note shall be applied on all visible facades and achieved through some coordinated combination of changes in plane, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.
6. **Upper Story Windows.** An ample placement of windows above the ground floor is required at all street-fronting facades. To create visual interest, the placement and style of windows shall contribute to a coherent and appealing composition on the façade. Less window space is only permitted in exceptional cases if it contributes to a specific objective of the visual style and aesthetic effect of the building. Whenever possible, windows should be on all sides of a tower.
7. **Building Terminus.** The top of each newly-constructed principal building shall include an element that provides a distinct visual terminus. The visual terminus shall be integrated into the design concept of the building. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, and

other architectural forms. These rooftop elements shall be sized, shaped, and sited to screen all rooftop mechanical equipment from view.

- 8. Utility Storage.** For newly-constructed buildings, areas housing trash, storage, or other utility services shall be located in the garage or be otherwise completely concealed from view of the public right-of-way. Backflow prevention devices shall be located in a building alcove, landscaped area, or utility room within the building, outside of the public right-of-way, and completely screened from view from the public right-of-way unless required otherwise by a department of the City.
- 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.

Table 17.58.04 Height, Density, Bulk, and Tower Regulations								
Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Maximum Density (Square Feet of Lot Area Required Per Unit)								
Dwelling unit	300	200	90	90	90	90	90	1,2
Rooming unit	150	100	45	45	45	45	45	1,2
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
Maximum Height								
Building base	55 ft	85 ft	55 ft	85 ft	85 ft	85 ft	120 ft	3
Total	No tower permitted	No tower permitted	170 ft	275 ft	400 ft	No height limit	No height limit	3
Minimum Height								
New principal buildings	None	None	None	45 ft	45 ft	45 ft	45 ft	4
Maximum Lot Coverage								
Building base (for each story)	Not applicable	Not applicable	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the base	Not applicable	Not applicable	50% of site area or 7,500 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	85% of site area or 10,000 sf, whichever is greater	5
Tower Regulations								
Maximum average area of floor plates	Not applicable	Not applicable	10,000 sf	15,000 sf	20,000 sf	25,000 sf	No maximum	6
Maximum building length	Not applicable	Not applicable	115 ft	150 ft	175 ft	195 ft	No maximum	7
Maximum diagonal length	Not applicable	Not applicable	145 ft	180 ft	210 ft	235 ft	No maximum	
Minimum distance between towers on the same lot	Not Applicable	Not applicable	40 ft	40 ft	40 ft	40 ft	No Minimum	

Notes:

1. See Chapter 17.107 for affordable and senior housing density incentives.
2. No portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through the maximum floor area ratio, the maximum amount of floor area for any nonresidential facility on the same lot, and visa versa.
3. In Height Areas 34, 54, and 65, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right of way is greater than eighty-five (85) feet shall have a maximum base height equal to the width of that right of way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.
5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:

- a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is 15,000 square feet and the 5th story of the other tower is 20,000 square feet, then the total floor area of the 5th story is 35,000 square feet.
 - b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen (15) percent greater than the maximum average per story floor area above base.
 - c. A story that is more than fifteen (15) percent less than the maximum average floor area is not included in the average per story floor area above the base.
6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:
- a. The floor area of an individual tower floor plate cannot be more than fifteen (15) percent greater than the maximum average tower floor plate.
 - b. An individual tower floor plate that is more than fifteen (15) percent less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.
7. The following regulation applies to lots that both 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two-thirds (2/3) the length of any east or west side property line.

17.58.070 Usable open space standards

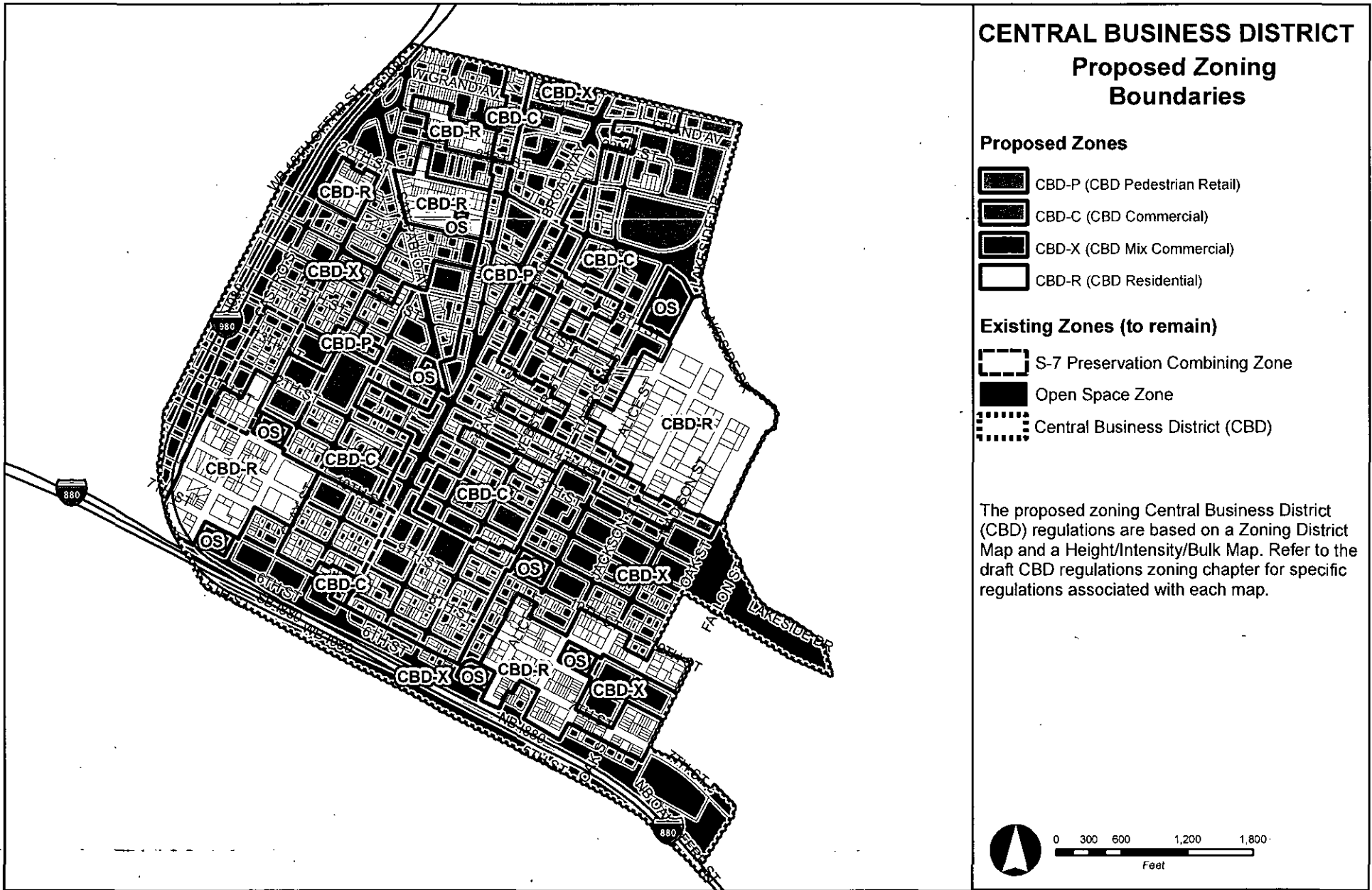
- A. **General.** This section contains the usable open space standards and requirements for residential development in the CBD zones. These requirements shall supercede those in Chapter 17.126.
- B. **Definitions of CBD usable open space types.** The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 2. "Public Ground-Floor Plaza". Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
 3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
 4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
- C. **Standards.** All required usable open space shall be permanently maintained and shall conform to the following standards:
1. **Area.** On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit.
 2. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft	
Rooftop	15 ft	1
Courtyard	15 ft	

Note:

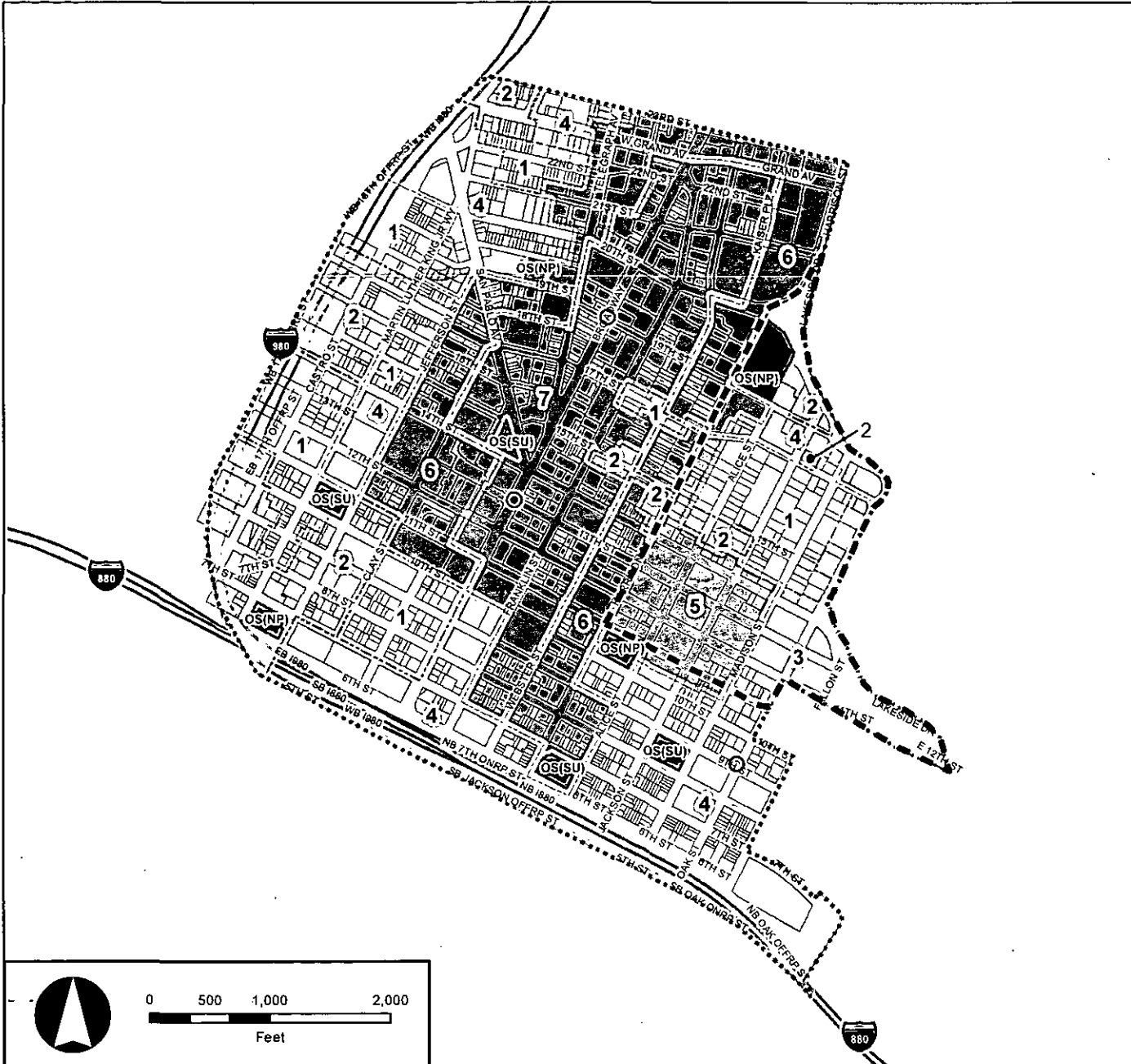
1. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.
 3. **Openness.** There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty (50) percent of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight feet above its floor level.
 4. **Location.** Required usable open space may be located anywhere on the lot except that not more than fifty (50) percent of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
 5. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four feet high.
 6. **Accessibility.** Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- D. **Landscaping requirements.** At least fifty (50) percent of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty (30) percent of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc). The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

**ATTACHMENT B:
PROPOSED ZONING MAP**



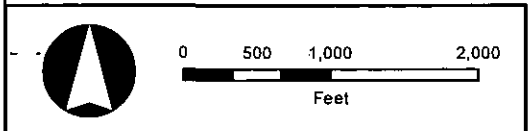
ATTACHMENT C: PROPOSED HEIGHT MAP

CENTRAL BUSINESS DISTRICT
Proposed Height Map



Height Area	Base Height (ft)	Total Height (ft)	Tower % of site area	Tower Floor Rate (sf)
1	55	55	NA	NA
2	85	85	NA	NA
3	55	170	50	10,000
4	85	275	75	15,000
5	85	400	75	20,000
6	85	None	75	25,000
7	120	None	85	None

- Special Area: A
(Tower siting requirements)
- Parks
- ⋯ Central Business District (CBD)
- ⊙ BART Station



Oakland City Planning Commission

STAFF REPORT

Case File Number RZ08060, ZT08054

April 15, 2009

Location:	Central Business District (See map on reverse)
Proposal:	1) Amend the zoning regulations to create four new zones and make related text amendments; 2) Amend the zoning maps to include the new CBD zones and height/bulk/intensity areas for the CBD; 3) Amend the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the above changes.
Applicant:	City Planning Commission
Planning Permits Required:	Rezoning; Zoning Text Amendment
General Plan:	Central Business District
Zoning:	From: R-80 High-Rise Apartment Residential; R-90 Downtown Apartment Residential Zone; C-40 Community Thoroughfare Commercial; C-45 Community Shopping Commercial; C-51 Central Business Service Commercial; C-52 Old Oakland Commercial; C-55 Central Core Commercial; S-2 Civic Center; S-4 Design Review Combining; S-7 Preservation Combining; S-8 Urban Street Combining; S-17 Residential Open Space Combining Zones. To: CBD-R Central Business District Residential; CBD-P Central Business District Pedestrian Retail Commercial; CBD-C Central Business District General Commercial; CBD-X Central Business District Mix Commercial; and S-7 Preservation Combining Zones.
Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final Environmental Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; and the Housing Element Update Initial Study/Mitigated Negative Declaration (2004). As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning" and/or 15061(b)(3)(General Rule—no possibility of significant environmental impact.
Service Delivery District:	Metro
City Council District:	3
Status:	Zoning Update Committee recommended item to be heard in front of the Planning Commission
Action to be Taken:	Recommendation to the City Council
Staff Recommendation:	Recommend adoption of the proposal to the City Council
Finality of Decision:	Recommendation to the City Council
For Further Information:	Contact case planner Neil Gray at 510-238-3878 or ngray@oaklandnet.com .

SUMMARY

This project proposes to create four new related zoning districts in the Planning Code and Zoning Maps for the Central Business District (CBD). The project also creates a height map for application in the CBD. This effort is part of the rezoning process that implements the General Plan through new zoning regulations.

Staff recommends that the Planning Commission advise the City Council to adopt the proposal.

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BACKGROUND

In March of 1998, the City of Oakland adopted the Land Use and Transportation Element of the General Plan, including an associated land use map (LUTE). The LUTE lays out the City's vision for its future development and represents the land use "constitution" for the City. All of the City's land use decisions and plans must be consistent with this document. Typically, a city's zoning code and maps implement its general plan through consistent development standards such as maximum height, allowed uses, and maximum density.

However, revisions of these Oakland's zoning ordinance and maps were not made at the time of the passage of the LUTE, creating several conflicts between the LUTE, the Zoning Code, and the zoning maps. Shortly after the adoption of the LUTE, the City began a process to adopt a new Planning Code, but that effort was not continued.

Updating the zoning code has again become a priority for the City. On December 11, 2007, the City Council approved a work plan to replace the existing zones in the Planning Code; the Mayor has also stated that the rezoning effort is an important priority. The City Council plan describes a process to adopt new zones that implement each of the LUTE land use classifications in the following order:

1. Housing and Business Mix
2. Business Mix and General Industry and Transportation
3. **Central Business District** (current proposal)
4. Urban Residential, Community Commercial and Neighborhood Center Mixed Use
5. Regional Commercial, Hillside Residential, Mixed Housing Type and Detached Unit Residential
6. Institutional, Resource Conservation and Urban Park and Open Space

The City Council has already adopted three zones to implement the Housing and Business Mix LUTE classification and four more zones to implement the Business Mix and General Industrial and Transportation classifications.

The subject of this report is the proposed regulations for the Central Business District (CBD). The proposed regulations (see Attachments A, B, and C) are based on the policies of the LUTE, the current downtown context, regional policies regarding infill development, historic preservation, and design considerations.

There have been three community meetings, eight Zoning Update Committee (ZUC) meetings, and eight Landmarks Preservation Advisory Board (LPAB) meetings regarding the proposed CBD rezoning. This has included a joint meeting of the ZUC and the LPAB and a professionally mediated workshop that included presentations and discussion amongst stakeholder groups. These stakeholder groups included the Oakland Builders Association, the Chinese Chamber of Commerce, Oakland Heritage Alliance, Old Oakland Neighbors, Coalition of Advocates for Lake Merritt, and East Bay Housing Organizations.

DESCRIPTION OF PLANNING AREA

The CBD is bounded by I-980 to the west, I-880 to the south, Lake Merritt and Fallon Street to the east, and 23rd Street to the north. The planning area does not include the Jack London area. This 580 acre area is a East Bay hub for private offices, public agencies, BART and AC Transit service and, increasingly, high density residential buildings. As described below, the CBD is a diverse collection of established neighborhoods, new construction, historic resources, retail areas, and recreation space.

Downtown is home to several distinct neighborhoods: Chinatown is a 150 year-old historic business and residential district; City Center contains many state, federal, and local government offices and other activities; the Kaiser Center Business District contains several high rise office towers; the Gold Coast District is a historic neighborhood with urban style housing; and Old Oakland is a historic commercial neighborhood with carefully restored Victorian-style buildings. Neighborhoods range in scale from pockets of single family Victorian homes in the western and southeast of downtown to the high rise office towers in the Kaiser Center and City Center neighborhoods. The Uptown neighborhood is burgeoning with new developments and commercial activity with restaurants and bars, the newly renovated Fox Theater, the Paramount Theatre, and the new Uptown apartment development.

Broadway is the major commercial and transit spine of downtown, connecting Chinatown, City Center, Old Oakland, and the Kaiser Center Business District. 14th Street is a major east-west artery connecting West Oakland to Lake Merritt. San Pablo and Telegraph Avenues are also major mixed use transit corridors that radiate from downtown to Berkeley, El Cerrito, and Richmond.

Lake Merritt, just to the east of the CBD, is downtown's major recreational resource. This 155-acre tidal estuary is home to several species of birds and is considered a wildlife refuge by the state. The 3.4 mile path around the lake is well used by joggers, walkers, and bikers. Other parks in the CBD include Snow Park, Frank Ogawa Plaza, Lafayette Park, Jefferson Park, Lincoln Park, Madison Park, and Harrison Park.

Downtown has the greatest concentration of historic buildings in Oakland. It has a rich architectural history that includes many historic neighborhoods, landmarks, and highly rated historic buildings. Some landmark buildings include City Hall, the Paramount and Fox Theatres, the African American Museum, the Lake Merritt Hotel, the Tribune Building, the Rotunda Building, the YWCA, the Alameda County Courthouse, the Malonga Casquelourd Center for the Arts, and several others. There are 17 "Areas of Primary Importance" (APIs)¹ in downtown, ranging in size from a few parcels to several blocks. Examples include: Old Oakland, the Lakeside Apartment District, Chinatown Commercial and residential districts, and the Downtown District. There are also several Areas of Secondary Interest (ASIs)¹ that range in size from one parcel to a small block. Attachment D is a map of these districts and historically rated properties in the Central Business District.

Several pockets of active pedestrian-oriented commercial areas thrive in downtown such as Old Oakland, 19th and 17th Streets near Webster Street, and Chinatown. Broadway has a series of small to medium sized retail storefronts. Downtown was historically the retail core of the city, with several department stores and active retail on many streets. Today, retail has changed—there is one large department store and several smaller national and independent retail stores and restaurants in downtown. Chinatown is thriving international retail district.

The CBD has experienced a number of significant new major developments in recent years. Some of the major projects recently constructed include:

- The Uptown Project: 665 residential units and 14,000 square feet of commercial space in the area bounded by Telegraph Avenue, San Pablo Avenue, 18th Street, and 20th Street.
- Thomas Berkeley Square Housing: 83 residential units and three commercial spaces on Thomas Berkeley Way at San Pablo Avenue.

¹ APIs and ASIs are historically or visually cohesive areas or property groups identified by City surveys that contain a high proportion of historic buildings. APIs appear eligible for the National Register of Historic Places and thus are considered CEQA Historic Resources. ASIs do not appear eligible and not considered CEQA Historic Resources.

- 8 Orchids: 157 residential units and 3,600 square feet of retail space on Broadway at 6th Street.
- Madison Lofts: 76 residential units and 2,666 of retail space on 14th Street and Madison Street.
- Housewives Market: 80 residential units and 14,000 square feet of flexible space.
- Rehabilitation of the Historic Fox Theater.
- 100 Grand: 241 Residential Units at Grand and Webster Streets.
- 901 Jefferson: 75 condominium units at Jefferson and 9th Streets.
- Broadway West Grand: 421 residential units and 4,710 square feet of retail space on the corner of Grand and Broadway.

EXISTING ZONING

Downtown Oakland has a complicated patchwork of twelve different zones (see Attachment E). The main downtown commercial zones are the C-51 Central Business Service and C-55 Central Core Commercial Zones. The C-51 zone is mainly located in the western area of downtown and Chinatown; C-55 is located in the core of downtown and the Kaiser Center area. Both C-51 and C-55 allow a wide array of commercial and residential activities without any restrictions on ground floor activities. Neither zone requires design review for nonresidential construction or contains guidance regarding evaluating the design of buildings. Both zones have a base floor area ratio (FAR--the ratio of floor area to lot area) of 7.0, a maximum density of one unit per 150 square feet of lot area, and no height limit. Downtown developments can reach the LUTE FAR of 20.0 and density of one unit per 87 square feet of lot area through a conditional use permit process.

The main residential zones for downtown are the R-80 High-Rise Apartment and R-90 Downtown Apartment Residential Zones. All commercial activities in these zones require a conditional use permit and are restricted to spaces only accessible through lobbies of apartment buildings. Both these zones have a base FAR of 7.0. The maximum densities of the R-80 and R-90 zones are one unit per 300 and 150 square feet of lot area, respectively. Like the C-51 and C-55 zones, development can reach the maximum LUTE FAR and density of 20.0 and one unit per 87 square feet of lot area upon the granting of a conditional use permit.

The C-52 zone is a special zone for Old Oakland. This zone is similar to C-55 except it restricts the height of new construction to 50 feet. Old Oakland also has an S-7 Preservation Combining Zone to require special design review for this historic district. The S-7 zone is also applied to Preservation Park.

The CBD has two other significant overlay zones. The S-8 Urban Street Combining Zone is combined with the C-55 on Broadway to preserve the ground floor for retail commercial activities. The S-17 Residential Open Space Combining Zone provides flexible and reduced open space requirements throughout the CBD.

Attachment F compares the development density and bulk restrictions allowed by the existing zoning to that of the proposed zoning.

GENERAL PLAN ANALYSIS

Policies of the LUTE

The LUTE envisions a downtown with 24-hour pedestrian activity, active retail nodes, a strong high-rise office center, urban-density residential neighborhoods, and significant cultural and recreational amenities. The document also calls for the preservation of historic resources, a clearer identity for the neighborhoods, and preservation of views in and out of downtown. High quality design and enhancement of the skyline are also priorities of the LUTE.

The maximum floor area ratio for the CBD is 20.0 while the maximum residential density is 300 dwelling units per gross acre (one unit per 87 square feet of lot area). This development intensity has been conditionally permitted for all development in the CBD since the 1998 adoption of the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (General Plan Guidelines). The LUTE states that this is a maximum density and not appropriate for all areas. One of the functions of the rezoning process is to decide what level of building intensity is appropriate for which areas of the CBD.

The following is a more detailed summary of the goals, objectives, and policies devoted to the Central Business District in Chapter 2 of the LUTE, the Policy Framework. Attachment G contains the complete text in the LUTE regarding the Central Business District.

The overall goals of the LUTE for the CBD are:

- To promote downtown Oakland's position as a dynamic economic center for the region;
- To serve as a primary communications, office, government, high technology, retail, entertainment, and transportation hub for Northern California;
- To become a premier location in the region for urban residential living, by building upon existing neighborhoods, and by promoting and expanding a pedestrian-friendly, diverse and exciting range of housing, social, cultural, and arts opportunities;
- To further develop; support, revitalize, and promote the distinct, attractive, urban character of each of the downtown districts, and to respect historic resources.

The following is a summary of the objectives and policies that correspond to these goals.

- Objective D1 emphasizes enhancing the identity of the distinct districts of downtown. The objectives contain specific policies that encourage the enhancement of the unique character of Chinatown as a regional destination point with a mixed housing type component; Old Oakland's historic, pedestrian oriented character; and the conservation of the character of the historic Gold Coast District. The policies in this objective also emphasize connecting the Kaiser Center with Broadway and enhancing and rehabilitating the Gateway area as a mixed housing type and urban density district.
- Objective D2 is to enhance the "visual quality of downtown by preserving and improving existing housing stock and encouraging new, high quality, development." The policy related to this objective discusses a visually interesting downtown that harmonizes with its surroundings, preserving important views in and out of downtown, respecting the character, history, and pedestrian orientation of the downtown, and contributing to an attractive skyline.
- Objective D3 is to promote a pedestrian friendly downtown through pedestrian oriented commercial areas and appropriate parking design.
- Objective D4 is to increase the economic vitality of downtown through infrastructure improvements and attract new businesses and employment.

- Objective D5 is to enhance the safety and perception of downtown through twenty-four hour pedestrian activity.
- Objective D6 is to eliminate blight through constructing on vacant land and rehabilitating underused buildings.
- Objective D7 is to promote downtown's position as a primary office center and public transportation hub at the state and regional planning levels.
- Objective D8 is to build on the office nodes near the 12th and 19th Street BART stations. Policies related to Objective D8 include attracting office development to these areas, respecting Lake Merritt and Snow Park, and directing office development along the Broadway Spine.
- Objective D9 is to establish, promote, and retain businesses that serve the needs of downtown workers and residents. Policies emphasize destination shopping along Broadway, shopping geared toward the needs of local residents, and pedestrian friendly ground floor treatments.
- Objective D10 is to maximize housing opportunities in the downtown to create a better sense of community. Policies state that housing should be located within walking distance to BART stations; have an urban density with the exception of a few pockets of lower density areas; have attractive, safe, and high quality design; enhance attractive streetscapes; respect the history of downtown; and include live/work developments.
- Objective D11 is to foster mixed use developments in commercial areas to promote a lively and diverse downtown.
- Objective D12 is to make downtown a regional designation for education, culture, art, and entertainment. Policies focus on placing larger institutions along Broadway and smaller venues throughout the District where the impacts will not disturb residents.
- Objective D13 is to integrate regional and local transportation into downtown by providing convenient public transit and parking facilities.

The Transportation section of the policy framework also has relevant policies including concentrating development near the 12th and 19th Street BART stations to connect transit with office commuters. Other policies include the following:

- Policy T2.5 states that transportation options should be linked to centers of recreation, job centers, commercial nodes and social services.
- Policy T3.3 calls for accepting congested intersections downtown to promote transit and a pedestrian orientation.
- Policy T3.8 encourages screening downtown parking behind storefronts, parks, landscaping or other means.

Chapter 3 of the LUTE contains descriptions of the 14 different LUTE land use classifications, including the Central Business District. The following is the LUTE's intent for the CBD classification, desired character and uses, and intensity/density:

Intent: The Central Business District classification is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary high technology, retail, entertainment, and transportation in Northern California.

Desired Character and Uses: The CBD classification includes a mix of large-scale offices, commercial, urban (high rise) residential, institutional open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

Intensity/Density: For sites in the CBD, the maximum floor area ratio (FAR) is 20.0, and the maximum allowable residential density is 300 units per gross acre. In some areas identified by the Policy Framework, such as the Broadway spine, the highest FAR may be encouraged, while in other areas such as near Lake Merritt and Old Oakland, lower FARs may be appropriate.

According to the General Plan Guidelines, 300 residential units per gross acre equal one unit per 87 square feet of lot area.

The proposed zoning is consistent with the LUTE

The proposal is consistent with and directly implements the vision provided by the LUTE. Overall, the proposal encourages downtown development by allowing high building intensity. Most of the Central Business District would allow a density at the LUTE maximum of 300 residential units per gross acre to encourage a vital downtown and residents near BART stations. Further, much of the downtown would have no height limit and the maximum allowable FAR under the LUTE. As mandated by the LUTE, the most building intensity is proposed around the Broadway core and the Kaiser Center to take advantage of the convenient transit at the 12th and 19th Street BART stations. These areas also allow the largest building tower floor plates in the CBD to encourage the Kaiser Center and Broadway core to expand their function as regional office centers (office development requires large floor plates to be marketable). Much of the area also allows ground floor offices to further encourage construction of office space.

The proposed zoning maps enhance and connect distinct pedestrian-oriented retail nodes in this core of the CBD through regulations requiring activities and ground floor building design that provide pedestrian interest. These nodes include Broadway, Telegraph Avenue, 17th Street, 15th Street, in Chinatown, Old Oakland, and other locations. The identity of residential neighborhoods is also enhanced through applying a new residential zone that encourages upper story housing and allows ground floor retail space to serve local residents. In general, staff recommends the stricter height regulations to the most residential of the neighborhoods, particularly those with a concentration of historic buildings, to preserve their distinct character. Proposed regulations regarding historic neighborhoods will further protect the distinct character of neighborhoods (see "Historic Resources" section, below). The regulations also allow a mix of residential and commercial activities throughout downtown to provide convenient shopping for residents and a lively street environment.

The proposal will enhance the visual quality of downtown through several methods. Design regulations are included to ensure a ground floor pedestrian orientation such as minimum window transparencies; a requirement for high quality materials; minimum ground floor heights; maximum front yard setbacks; a requirement for new buildings to have a prominent entrance; and parking location requirements. Regulations regarding the breaking up of upper story mass and the placement of windows on all sides of a tower will create visual interest in the upper stories. The proposal allows varied tower locations, shapes, and sizes to create an interesting skyline. Graduating height toward the Broadway core will allow views of the tallest buildings from several vantage points. Several recommendations are proposed to protect the design of historic buildings (see "Historic Resources" section, below).

Finally, the proposal does not permit a density or FAR greater than that allowed by the LUTE. The LUTE maximum density is 300 units per gross acre. According to the General Plan Guidelines, this density translates to one unit per 87 square feet of lot area. No areas are proposed to exceed these maximums.

Historic Preservation Element of the General Plan

The Historic Preservation Element of the General Plan (HPE) outlines "Preservation Incentives and Regulations" for historic properties throughout the City. The objective of the element is to develop a

system of preservation incentives and regulations for specially designated significant older properties. Some major policies of the HPE include the following:

Policy 1.3 states that the City will designate significant older properties which definitely warrant preservation as Landmarks, Preservation Districts, or Heritage Properties. The designations will be based on a combination of Historical and Architectural Inventory Rating, National Register of Historical Places criteria, and special criteria for Landmarks and Preservation District eligibility.

Policy 2.1 states that the City will use a combination of incentives and regulations to encourage the preservation of significant older properties and areas which have been designated as Landmarks, Preservation Districts, or Heritage Properties. The regulations will be applied according to the importance of each property, with the more important properties having stronger regulations.

Policy 2.4 states that demolitions and removals involving Landmarks or Preservation Districts will generally not be permitted or be subject to postponement unless certain findings are made. Alterations or new construction involving Landmarks or Preservation Districts will normally be approved if they are found to meet Secretary of the Interior Standards for the Treatment of Historic Properties or if certain other findings are made.

Policy 2.5 states that properties which definitively warrant preservation but which are not Landmarks or Preservation Districts will be eligible as Heritage Properties...Demolition, removal, or Specified Major Alterations of Heritage Properties may normally be postponed for up to 120 days.

Policy 2.6 states that landmarks and all properties contributing or potentially contributing to a Preservation District will be eligible for all of the following preservation incentives: Mills Act contracts; use of the State Historic Building Code; conservation easements; broader range of conditional uses; transferable development rights; priority for community and economic development assistance; eligible for acquisition, rehabilitation, or development assistance from possible historic preservation revolving fund; and fee waivers.

Policy 3.4 states that where all other means of preservation have been exhausted, the City will consider acquiring, by eminent domain if necessary, existing or potential designated historic properties, or portions thereof, in order to preserve them. Such acquisition may be in fee, as conservation easement, or a combination thereof.

Policy 3.5 states that for additions or alterations to Heritage Properties or Potential Designated Historic Properties requiring discretionary permits, the City will normally require that either: (1) the design match or be compatible with the property's existing or historical design; (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood. This policy also requires that projects involving demolition of historic properties be of equal or better design quality than the demolished resource.

Policy 3.7 states that the City requires reasonable efforts to relocate a historic building to an acceptable site rather than demolish it to accommodate a new development.

Policy 3.9b states that the City will consider including a historic preservation component in area wide plans and that impact on historic properties will be evaluated.

The following describes how the proposal is consistent with the above the above policies:

Policy 1.3: This policy has already been implemented through the work of the City's Office of Cultural Survey. This office has surveyed every property and neighborhood in Oakland and provided historic designations based on systematic rating criteria.

Policies 2.1, 2.4, and 2.5: The proposal includes significant new processes, regulations, and findings that will encourage the preservation and appropriate alteration of API and ASI contributors, new construction in ASIs and APIs, designated historic properties (including Heritage Properties), and potentially designated historic properties in the Central Business District. In particular, Section 17.136.055 of the proposal includes new required findings for demolition of historic buildings, new construction in historic districts, and alterations to historic buildings. These proposals are further described in the "Historic Resources" section, below. Current regulations in Sections 17.136.060 (Review by the LPAB in certain cases), 17.136.070 (Special regulations for designated landmarks), and 17.136.075 (Postponement of demolition) of the Planning Code contain regulations regarding the alteration and demolition of historic properties.

Policies 2.6 and 3.4: These incentives and tools are long term proposals that will get implemented outside of the Planning Code and are out of the scope of this proposal.

Policy 3.5: Section 17.136.055 of the proposal requires that any exterior alteration to a character-defining element of a Designated Historic Property or Potentially Designated Historic Property be required to meet findings regarding the retention of the character-defining appearance of the affected feature.

Policies 3.5, 3.7, and 3.9b are implemented through proposed findings for demolitions. These findings have not been written but will be proposed at a future Planning Commission meeting.

CALM letter

The Coalition of Advocates for Lake Merritt (CALM) has written a letter to the City stating that the proposal is contrary to policies in the LUTE, the Housing Element of the General Plan (Housing Element) and the Open Space, Conservation and Recreation Element of the General Plan (OSCAR). CALM's letter and staff's response are contained in Attachment H.

In sum, staff believes the proposal is consistent with and directly implements the vision provided by the General Plan. The following sections describe this proposal in more detail.

CONSISTENCY WITH STATE AND REGIONAL POLICY

The Association of Bay Area Governments (ABAG) has adopted its State mandated Regional Housing Needs Allocation (RHNA), describing regional housing needs and focusing housing production at certain areas depending on State and regional policy. The City of Oakland's allocation is a relatively high 14,000 units because the RHNA directs housing to major urban areas to where there are major transit hubs.

Cities and counties, in turn, update their Housing Elements of their General Plans to reflect the RHNA; City of Oakland is in the process of adopting its 2007-2014 Housing Element in the summer of 2009. The City's proposed Housing Element directs new housing to centralized urban areas, near transit stations, and along major public transportation corridors such as the CBD. These policies are consistent with State policies and laws such as SB375 to increase the use of transit, protect agricultural land, ease traffic congestion, reduce automobile related pollution, and promote efficient development patterns. The CBD area is the type of area targeted for additional development.

SUMMARY OF PROPOSAL

The regulations are split into three main parts: 1) new zoning designations that contain use and associated design regulations; 2) height, bulk, and intensity regulations; and 3) other design related regulations for new construction. The regulations include two maps: one map showing the zoning designations (see Attachment B) and the other showing where different height, bulk, and intensity standards are designated (see Attachment C). The height, bulk, and intensity regulations are mapped differently than the zoning designations because often the uses preferred at a location may not relate to a building's overall size. For instance, pedestrian oriented commercial activities are appropriate for both Broadway and Old Oakland, even though the appropriate bulk of buildings in these areas are far different. This separation allows the number of zones to be reduced from the current eight to the proposed four base zones and from four combining zone to only one combining zone in the current proposal. This technique is a fairly common planning practice and currently used in San Francisco, San Diego, Seattle, and Portland. Several other zoning tools that are new to Oakland are also proposed, including maximum setbacks, required ground floor window space transparency for commercial activities, and other design related standards.

Summary of Proposed Zones

Staff is proposing four new zones: the Central Business District Residential Zone (CBD-R), Central Business District Pedestrian Retail Commercial Zone (CBD-P), Central Business District General Commercial Zone (CBD-C), and Central Business District Mix Commercial Zone (CBD-X). The mapping of the zones is based on staff research and public input, including:

- A parcel-by-parcel land use inventory performed by staff of existing uses in the Central Business District (see Attachment I). This information was used to divide Downtown Oakland into 27 contextual "sub-districts" based on the prevailing character of each block (or portion of a block). These maps were particularly useful in determining the extent of ground floor retail uses, which was critical in determining potential retail nodes.
- Discussions with the staff of the City's Economic Development Division and Façade Improvement Program regarding the feasibility of ground floor retail and commercial activities at different locations;
- Information in the City's Retail Enhancement Study that identified Downtown retail nodes, including Old Oakland, Uptown, Chinatown, and Broadway; and
- Input from the ZUC, LPAB, stakeholders, and residents provided in meetings with staff and at public hearings.

The following is a summary of the zones:

The CBD-R zone is proposed to be mapped in existing residential neighborhoods such as the Gold Coast District, the Uptown area, and neighborhoods containing low-rise apartment buildings and Victorian era structures near Chinatown and Jefferson Square. The zone allows a wide range of small, ground level facilities including offices, retail, and residential, but preserves upper stories for residential units. In general, the zone requires a use permit for businesses greater than 7,500 square feet to protect the character of residential neighborhoods and mitigate the impacts of larger businesses. Development regulations for the CBD-R zone reflect a more residential emphasis including no maximum front yard setback, a required grade separation between the floor level of residential units and the street, and only a fifty percent ground floor transparency requirement for commercial storefronts.

The CBD-P zone intends to create and enhance retail nodes and streets by encouraging ground level, pedestrian oriented, active storefront uses. This zone requires new development to have ground level retail space with a storefront appearance. Upper story spaces are allowed to contain a wide range of commercial and residential activities. Purely administrative offices and residential activities would not be allowed on the ground floor in the CBD-P zone. Special design requirements for the CBD-P zone include:

- A relatively high ground floor transparency requirement of 70 percent to create a more active and interesting streetscape;
- A minimum 14-foot ground floor height to create a human scale at the street; and
- A maximum setback requirement of five feet from the sidewalk for the first three stories of a building. This regulation establishes a street edge that creates a comfortable pedestrian scale and a unified street space. This setback requirement is required over 75 percent of the lot line adjacent to the principal street, with exceptions for outdoor seating.

The zone is proposed to be located in the Chinatown commercial district, Broadway, Old Oakland, along 14th Street, in various existing retail nodes, and in areas identified by the Conley Retail Study to be potential retail nodes.¹ The CBD-P zone also provides a future pedestrian route down 14th Street from Broadway to the Lake and connections from retail nodes such as 17th and 15th Streets between Webster and Harrison to Broadway, downtown’s major artery.

The CBD-C zone is a general commercial zone that encourages a wide variety of ground floor commercial activities including office, retail, and service businesses. Upper story spaces are available for a wide range of commercial and residential activities. Residential activities would not be permitted on the ground floor in the CBD-C zone. This zone is located in the Kaiser Center area and the core areas of downtown that are outside Broadway and the CBD-P zone. The CBD-C zone has design requirements that are similar to CBD-P zone except it has a ground floor transparency requirement of 60 instead of 70 percent. This reduction is made because the CBD-C zone is expected to have more administrative activities and lobbies on the ground floor than the CBD-P zone.

The CBD-X zone is intended to flexibly adapt to a changing development environment by allowing a wide variety of building types and activities, including residential, commercial, and light industrial (light industrial activities would require a conditional use permit). Neither commercial nor residential activities are limited to any part of a building. This designation is proposed for areas still forming a distinct identity such as some western areas of downtown and the County Government Center. This zone has a minimum transparency requirement of 50 percent for ground level commercial facilities and a 10-foot maximum setback requirement for only the ground floor.

The following table summarizes the information provided above:

	CBD-R	CBD-P	CBD-C	CBD-X
Location	See Attachment B	See Attachment B	See Attachment B	See Attachment B
Intent	Development of residential neighborhoods	Development of pedestrian retail nodes and streets	Encourage general commercial activities	Allow a mix of building types and activities
Ground floor uses	Small ground level commercial facilities including offices, retail, and residential	Small pedestrian oriented commercial retail and restaurant activities	Wide variety of commercial activities	Wide variety of commercial and residential activities
Upper story uses	Residential	Commercial or residential	Commercial or residential	Commercial or residential
Maximum setback from sidewalk for	Not regulated	5 feet*	5 feet*	10 feet, but only on ground floor*

bottom three stories*				
Percent transparency in front of ground floor commercial facilities	50 percent	70 percent	60 percent	50 percent
Minimum ground floor height	12 feet	14 feet	14 feet	14 feet

* Only required over 75 percent of the street frontage. Exceptions are included for restaurant seating areas.

Summary of Height/Bulk/Intensity Regulations

Overview. The height/bulk/intensity map is separated into seven basic designations (see Attachments A and C). Area 1 is the least intensive and Area 6 the most (the Height Areas only go up to six because there is a Height Area 1a). Each height area allows a “base” of a building with no bulk restrictions and, with the exceptions of Height Areas 1 and 1a, a “tower” above the base with regulations relating to width and bulk. The lower the height area, the less bulk is allowed in a building, particularly above the base, and a narrower tower is required. To encourage creativity, the regulations provide a significant amount of flexibility to designers regarding the location and shape of the tower.

Staff recommends a base and tower building design for several reasons:

- It is important that a building has a base at the street to create a “wall” to define the street space. In general, the height of this wall should be approximately half width of the street right-of-way. On the other hand, if this wall is too high, its scale can overwhelm the street and the pedestrian. The proposed base provides the appropriate balance between these two factors;
- The tower requires some level of articulation in each building to provide visual interest;
- Towers will reduce the upper story bulkiness of buildings that block views and cast shadows on streets and sidewalks;
- The reduction in scale on the upper floors will accommodate windows on all four sides of each building; and
- The proposal recommends maximum flexibility for the location of the towers to allow significant creativity. This will allow for a variety of building forms for the skyline and flexibility in creating site specific solutions.

In general, the greatest building intensity is proposed to be near the Broadway core and intensity graduates down to the eastern and western edges of downtown. This strategy is reflective of LUTE policies regarding establishing a core on and near Broadway to increase ridership at the 12th and 19th Street BART stations, reinforce existing development patterns, and expose an interesting skyline at the interior of the downtown. The lowest height area is designated for historically rated neighborhoods known as “Areas of Primary Importance” (APIs)² where a particular height is a characteristic feature of the district³.

These districts are generally lower scale residential neighborhoods that ring the edges of downtown (see Attachment J). The regulations also provide for the narrowest towers near the lake to preserve view from and to the lake. Staff also considered gateway locations, transitional areas, and neighborhood identity in drawing the height map.

² APIs are historically or visually cohesive areas or property groups identified by City surveys that contain a high proportion of historic buildings. APIs appear eligible for the National Register of Historic Places.

³ Height is a character-defining feature district when most of the buildings that contribute to the API are about the same height and this height contributes to the historic character of the neighborhood.

“Fine grain” mapping approach. Staff has applied the concepts described in the previous section to develop a “fine grain” approach to the height map. Early in the CBD rezoning process, the Zoning Update Committee indicated their preference for a very fine-grained approach to mapping, carefully studying existing conditions when applying height limits and new designations. This is a departure from the way Downtown Oakland has been mapped in the past. The 1965 zoning for the CBD applied C-40, C-51 and C-55 zones to broad swaths of the commercial areas and R-80/ R-90 to the residential areas with little relationship to the land uses or building types that were actually on the ground. No height limits were applied. In addition, the 1998 LUTE designated the entire CBD with a single land use category with a very high Floor Area Ratio (20.0) and residential density (300 units/acre). LUTE’s policies provide some direction—for example, identifying Downtown sub-districts and the concept of building heights stepping down between Broadway and Lake Merritt—but only at a very broad level.

Staff has used a fine-grained approach throughout the CBD zoning, responding to input from the ZUC, downtown residents, property owners, historic preservation advocates, and others. This approach has involved significant research of existing conditions and many iterative rounds of mapping, each more detailed than the one before it.

In January 2008, staff completed a parcel-by-parcel land use inventory of the CBD, recording ground floor and upper floor uses, building height, and other pertinent information for more than 1,000 properties. This information was used to divide Downtown Oakland into 27 contextual “sub-districts” based on the prevailing character of each block (or portion of a block). The sub-districts provided the foundation for the first draft of a height map. Staff also prepared a parcel-specific map of sites with development potential, which was another variable in determining how height boundaries should be drawn.

As mentioned, one of the most important mapping criteria was the presence of historic resources. Staff initially overlaid maps of historic districts and designated landmarks on the existing land use map to ensure that appropriate zoning districts and height limits were applied. Staff balanced historic preservation goals against the housing, economic development, land use, and transportation goals of the LUTE (for example, not applying the lowest height limits around BART stations or along the Broadway spine). The initial height boundaries were drawn to protect the most important historic resources in Downtown Oakland, such as the Old Oakland historic district, the Pardee House, Preservation Park, and the Camron Stanford House.

The first draft of the CBD Height Map included six height zones, ranging from 55 feet in the most restrictive zone (Height Area 1) to unlimited heights in the least restrictive zone (Height Area 6). As mentioned, the boundaries were drawn with the overarching goal of stepping heights down from Broadway to the Lake and maximizing development near transit, consistent with LUTE policies. In a few cases, existing high-rise buildings precluded mapping the lowest heights along the Lake, so adjustments were made accordingly. In other cases, the presence of historic structures, low-scale residential neighborhoods (such as the Gold Coast), or commercial districts with a low existing height context resulted in lower heights being mapped. Other considerations included the desire to preserve view “corridors” into the CBD from perimeter freeways and from across the Lake, and the desire to create distinctive Downtown “gateways” on key streets such as Grand Avenue.

Subsequent drafts of the height map were refined to further reflect existing building heights and to expand the range of historic resources that were considered. Following the Zoning Update Committee’s direction and responding to input from the LPAB, staff mapped all Potential Designated Historic Properties (PDHPs), Areas of Primary Importance (APIs), Areas of Secondary Importance (ASIs), and Class A, B and C rated structures. Staff also distinguished between those areas where height was a contributing factor to the integrity of a group of historic buildings, and those areas without a consistent height context.

Taking this even “finer-grain” approach, numerous parcels were moved from one height zone to another. In some cases, portions of city blocks (such as 17th Street between Franklin and Harrison) were reduced from the highest height zone to the lowest zone, creating “pockets” of older low-rise buildings in areas otherwise envisioned as future high-rise areas. Staff also modified the height zones themselves, creating a new category (Height Area 1A) and applying this zone to selected sub-areas.

Height Areas. The following describes the regulations and location of each of the height areas. For reference, the height areas referred to below are shown in Attachment C. A detailed summary of the regulations for each height area is contained in Attachment K.

As mentioned, Height Area 1 is the least intense designation, with a 55-foot height limit. It is generally located in APIs where height is a character defining feature, such as the Lakeside Apartment District, Old Oakland and smaller residential neighborhoods on the eastern ring of the Central Business District (see Attachment J). This designation was chosen for these areas to preserve the character of these districts (see “Historic Resources” section, below)

Height Area 1a has an 85-foot height limit and is applied to the 244 Lakeside Drive API, a district located between Snow Park and Lake Merritt, to preserve this cluster of A1+ historically rated residential properties. The district includes the Regillus building (110 feet tall), 244 Lakeside Drive (131 feet tall), Lake Merritt Hotel (70 feet tall), and the Schilling House Garage. An A1+ historic rating is Oakland Heritage Survey’s highest rating for a historic building. The Schilling Gardens site at 222 19th Street, another A+ rated property, was excluded from this height area, despite its being in the 244 Lakeside Group API. This issue is discussed in the “Key Issues and Impacts” section of this report. Height area 1a is also applied at the following locations:

- On Alice and Jefferson Streets adjacent to the Lakeside Apartment District to provide a transition between Height areas 1 and 4; and
- On the western edges of downtown to provide low to mid-rise development opportunities at these locations.

Height Area 2 provides a 55-foot base and allows a narrow tower that can reach 170 feet tall. This designation is applied to a small portion of the Gold Coast (an area near the western shore of Lake Merritt), where it is consistent with existing heights while still preserving future views to and from Lake Merritt. The Gold Coast recommendation is further discussed in the “Key Issues and Impacts” section, below.

Height Area 3 allows an 85-foot base with a tower that can reach a height of 275 feet. An 85-foot base is allowed in Height Areas 3 through 5 to provide a scale appropriate for the approximately 80 foot wide street right of ways for those areas. This designation is applied to the following areas:

- Between Jefferson Street and Martin Luther King Jr. Way in the western area of the CBD to provide a transition between Height Areas 5, 2, and 1;
- San Pablo Avenue at the northwest corner of the CBD map to serve as a gateway into downtown;
- The area near the intersection of Broadway and 6th Street to allow a view of the taller buildings planned for the Broadway core area;
- On 19th and 17th Streets to be consistent with existing development patterns.
- In the Chinatown residential area in the southeast area of downtown. This designation is generally applied to this area and will be refined during the Lake Merritt BART Station Specific Plan process (see “Key Issues and Impacts”, below).

Height Area 4 allows an 85-foot base and a 400-foot maximum height and is proposed for the following two areas:

- The Civic Center area bounded by Madison, Harrison, 11th, and 14th Street. This designation was applied here because the many development sites in the area could serve as an extension of the Broadway Core; and
- Harrison Street between 14th and 17th Streets to serve as a transition between the downtown core (Height Area 5) and the Lakeside Apartment District (Height Area 1).

Height Area 5 is applied to the outer ring of the Broadway Core area and Height Area 6 is applied to the inner part of the Broadway Core area and the Kaiser Center. Both these height areas allow unlimited height, while Area 6 allows a taller base height to account for the greater street width on Broadway. These areas are designated at locations to implement LUTE policies to establish a high-rise core on and near Broadway. These height areas also allow for the largest tower floor plates to fulfill LUTE policies regarding the encouragement of office development in the core of the CBD.

Special height regulation

The proposal requires that new construction from the eastern side of Harrison Street to the lake (see "Special Area A" in Attachment C) cover no more than two-thirds (2/3) the length of any east or west side property line. This regulation is proposed to preserve views to and from the lake. Lots less than 90 feet wide are proposed to be excluded from this regulation to allow construction of towers on smaller lots.

Other Design Regulations

The following is a summary of proposed design regulations applying to new construction in all the zones:

- Entrance: Newly constructed principal buildings are proposed to have at least one prominent pedestrian entrance facing the principal street.
- Ground Floor Treatment: All ground floors are proposed to be constructed of durable and high quality exterior materials.
- Active Space Requirement: Parking spaces, locker areas, mechanical rooms, and other non-active spaces are proposed to be located outside the front thirty feet of a building.
- Parking and Loading Location: Access to parking and loading facilities are proposed to be located from a secondary frontage or an alley, where possible.
- Massing: The proposal requires the mass of newly constructed principal buildings to be broken up into smaller forms to enhance the visual interest of the streetscape.
- Upper Story Windows: The proposal contains a provision requiring ample placement of windows above the ground floor.
- Building Terminus: An element that provides a visual terminus is proposed to be required at the top of new buildings.
- Utility Storage: The proposal includes a provision requiring that areas housing trash, storage, or other utility services be located in the garage or otherwise completely concealed from view of the public right-of-way.

HISTORIC RESOURCES

The CBD has the greatest concentration of historic buildings in the City. In formulating regulations regarding these historic resources, staff has balanced several important policies in the LUTE and the Historic Preservation of the General Plan regarding encouraging downtown building intensity, historic preservation, and neighborhood identification. This section summarizes staff's proposal.

"Fine Grain Approach"

As mentioned in the "Summary of Height/Bulk/Intensity Regulations" subsection, above, a major factor in developing the "fine grain" height map was the location of historic resources. This fine grain approach applies height limitations to preserve or allow appropriate construction in historic areas. Staff proposes Height Area 1 (at 55 feet, the height area with the lowest maximum height of any proposed height area) to cover nearly all the APIs where a certain height is a defining historic characteristic of the district. In general, the current height context of these districts range from about 35 feet to 55 feet. Attachments L and J contain the proposed height map, the location of all the APIs, and the location of APIs where height is a character defining feature. At the January 28, 2009 Zoning Update Committee meeting, Commissioner Colbruno asked staff to study the expansion of the fine grain approach to the ASIs in downtown. Attachment M shows the areas that staff analyzed since the last ZUC meeting and additional proposed changes to the height map.

New findings, processes, and recommendations for historic resources

Design review findings and processes. Section 17.136.055 of Attachment N contains proposed findings and processes regarding the treatment of historic properties downtown. The new findings would require alterations to historic structure to retain the character of the building and would also require that repair, not replacement, of character defining features be performed whenever feasible.

The following are the new findings proposed for new construction and additions to buildings that contribute to APIs:

- The construction is compatible with other buildings in the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and detailing;
- New construction has street frontage consistent with the district and has high visual interest;
- The proposal is visually cohesive with the district.
- The development transitions to lower scale historic properties in areas where height is a character defining feature of the district;
- Any new additions are consistent with the Secretary of Interior Standards for the Treatment of Historic Resources. This finding can be waived 1) upon the granting of a conditional use permit; 2) if the addition will not result in the API losing its status as an API; and 3) after a hearing in front of the LPAB. Findings relating to quality, craftsmanship, and the scale of new buildings in an API are also proposed.

Approval of other applications involving historic properties outside an API would require the following findings:

- The construction is compatible with the existing district and/or building in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
- The proposal does not remove the designation of a historic district; and
- Upper story additions are stepped back at least 5 feet at the front façade.

- Applications can bypass the previous three findings if the proposal will result in a signature quality building. This process would require a hearing in front of the LPAB.

The proposal also includes requirements that: 1) a new building in an API, and 2) any construction of a building over the height context of an API, where a height context is a character defining feature of the district, be heard in front of the LPAB for their advice and recommendations to the decision making body. Note that not all APIs have a height context that is a character defining feature. Determination of which APIs have a height context and what those height contexts are will be determined prior to the any hearing in front of the City Council.

The findings currently proposed are somewhat different than those proposed at the last meeting of the Zoning Update Committee. The changes include:

- Combining the findings required for new buildings and additions in an API. This is recommended to simplify the code by standardizing the requirements for proposals in an API;
- Removing a finding requiring additions to historic buildings in an ASI to preserve the cohesiveness of the ASI. This finding was originally recommended to assure that ASIs remained cohesive districts. Upon further research, staff discovered that ASIs in downtown are often very small (two to three parcels) and have limited visual cohesiveness.
- The previous version of the regulations recommended a finding requiring that any addition to a contributing building in an API be consistent with Secretary of Interior Standards. The current version allows an addition to a building to be approved without this consistency upon the granting of a conditional use permit. Approval of a conditional use permit requires that the proposal not cause an API to lose its status as an API. This conditional use permit would require a hearing in front of the LPAB for their advice and recommendation to the decision-making body.

Demolition Findings. Staff is in the process of developing new findings required for the demolition of historic resources. Staff will present its recommendations at a future meeting of the Planning Commission after a hearing before the LPAB.

Transfer of Development Rights

The issue of Transfer of Development Rights (TDRs) is discussed in the "Key Issues and Impacts" section, below.

Other recommendations regarding historic resources

Other recommendations regarding historic resources include:

- Providing open space and parking space requirement relief for developments that involve the rehabilitation of historic buildings. This recommendation allows the rehabilitation of historic buildings when it otherwise may be impractical due to parking and open space regulations. Note that this text has not yet been placed in the proposal, but will be in future drafts.
- *Allowing the conversion of historic buildings to bed and breakfast hotels and relaxing activity regulations in historic buildings.* This recommendation would encourage the rehabilitation of buildings through adaptive reuse;
- Expansion of the Mills Act program to larger buildings downtown. This study would take place in the future and be separate from the current rezoning process;

- Studying downtown view corridors to historic or important features. This study would take place in the future and be separate from the current rezoning process;

Landmarks Preservation Advisory Board recommendations

The LPAB has held eight meetings, including a joint meeting with the ZUC on October 6, 2008, to formulate advice for the ZUC and the Planning Commission regarding preservation of historic resources in the CBD. On January 12, 2009, the LPAB formulated recommendations regarding a fine grain height approach to the Central Business District. A full text of LPAB the recommendations is contained in Attachment O. The following is a summary.

In the short term:

- Implement a “fine grain” height map approach. This includes recommendations for new design review processes and findings for new construction in API’s and ASI’s; alterations to buildings that contribute to an API’s and ASI’s; and alterations and additions to historic buildings not in an API or ASI.
- Reevaluate the southwest portion of the Lakeside Apartment District API to modify the dramatic height change between Height Area 1 (55-foot height maximum) and Height Area 4 (400-foot height maximum).
- Reduce the maximum tower dimensions along Lakeside Drive between 11th and 17th Street from those originally proposed by staff.
- Provide open space and parking space requirement relief for developments that involve the rehabilitation of historic buildings.
- Allow the conversion of historic buildings to bed and breakfast hotels and relax activity regulations in historic buildings.
- Adopt new findings regarding demolition of historic buildings that both implement and go beyond the findings described in the Historic Preservation Element.

In the intermediate term:

- Protect historic vistas, focal points (the terminus of vistas), and gateways through special zoning standards.
- Provide development standards that take into consideration existing parcel frontage widths and height to width ratios of existing buildings in historic districts.
- Develop guidelines for how to provide a transition between small scale historic resources and large scale new construction.

In the long term:

- Explore adding height to historic resource buildings without loss of the building’s historic status.
- Expand the Mills Act Program in the CBD.

ISSUES IDENTIFIED DURING THE JANUARY 28, 2009 ZUC MEETING

At the January 28, 2009 ZUC meeting, the ZUC members asked staff to respond to the following issues. The responses are in italics:

- 1. In some APIs, the proposal allows a maximum height greater than the contextual height of the district. The previous proposal also required that all new development in an API meet Secretary of Interior standards for the treatment of historic resources. Commissioner Mudge expressed concern that new construction would not be allowed to construct up to the maximum height allowed in these areas because they could not meet the Secretary of Interior standards.**

The Secretary of Interior standards relate to the treatment of individual historic buildings, not to districts as a whole. The standards are separated into three categories: standards for preservation, standards for rehabilitation, standards for restoration, and standards for reconstruction. Secretary of Interior guidelines state that only modest upper story additions can meet the standards, so the contradiction described by Commissioner Mudge does exist for additions to historic resources. Therefore, staff has changed the proposal to allow additions in APIs to not meet the Secretary of Interior standards granted a conditional use permit and found compliant with findings regarding the quality of the design and relationship to the district.

Staff removed the requirement that new construction in an API be consistent with Secretary of Interior standards because these standards relate to the alteration of an existing building, not the integrity of a historic district. Staff replaced this requirement with findings that the new construction not result in the loss of API status and findings regarding the quality of design and relationship to the district.

- 2. Commissioner Mudge asked Staff to discuss why findings regarding historic resources should not be applied citywide.**

Staff does not recommend applying the proposed findings regarding historic resources citywide until all the affected areas are notified as part of the larger citywide rezoning process. Staff agrees that there should be a consistent citywide policy regarding the preservation of historic properties and hopes that the current effort can lay the foundation towards this end.

- 3. Commissioner Colbruno asked staff to determine where the “fine grain” height map approach could be applied to ASIs.**

Staff studied the extension of the fine grain approach to ASIs. As discussed in the “Historic Resources” section, above and Attachment N, staff extended the fine grain approach to five ASIs.

- 4. Commissioner Colbruno requested that staff research how transfer of development rights may work for downtown.**

This issue is discussed in the “Key Issues and Impacts” section and Attachment P.

- 5. Commissioner Boxer asked staff to determine why 1429 Alice Street is in an API when it is on the edge of the Lakeside Apartment District and an empty lot.**

Staff research has discovered that 1429 Alice Street once had a two-story 1916 commercial building that contributed to the Lakeside Apartment District API. This building was demolished in 1988. Removing the site from the API would require a hearing in front of the LPAB; staff has discussed the matter with a representative of the property owner regarding this process.

- 6. Commissioner Boxer requested that staff discuss Staff’s interpretation of the “fine grain” height map approach.**

A discussion of staff’s interpretation of the “fine grain” height map approach is contained in the “Summary of Height/Bulk/Intensity” and “Historic Resources” sections, above.

TEXT CHANGES SINCE THE JANUARY 28, 2009 ZUC MEETING

The following are the proposed changes to the CBD zones since the January 28, 2009 ZUC meeting. These changes do not include those involving historic resources because those are described in the "Historic Resources" section, above.

Currently, proposed Section 17.058.030 requires that any new store over 7,500 square feet obtain a conditional use permit to operate in the CBD-P zone to preserve a fine grain, pedestrian oriented storefront character. Staff proposes to exclude storefronts on Broadway from this requirement because there are currently larger stores on the street such as Walgreens, Rite Aid, and Sears. Further, a large store would not overwhelm the character of Broadway because of the street's large width and length.

Staff proposes changing proposed Section 17.28.060(B)(6) to contain a guideline encouraging windows on each side of towers, preventing blank walls and providing visual interest to the skyline.

Staff also proposes adding the new Height Area 1a to 17.28.060(C), the table containing the height, bulk, and density regulations. This height area was proposed to the ZUC on the height maps but was mistakenly not included in the zoning text previously reviewed by the ZUC.

Staff removed a requirement that a five-foot setback be required for additions above an historic structure outside an API. This was changed to allow more design flexibility.

The new proposal also includes changes required throughout the code to reflect the new zones. This requires changes inserting the new regulations, removing the old downtown designations, and replacing references to the old designations with the new designations (see Attachment N).

ENVIRONMENTAL DETERMINATION

Several past environmental documents discussed and evaluated the environmental impacts associated with this proposal and reliance on them satisfies any requirements under the California Environmental Quality Act (CEQA). These documents include the Environmental Impact Report (EIR) for the LUTE, certified in 1998; the Initial Study/Mitigated Negative Declaration for the 2004 Housing Element Update, certified in 2004, and the EIR for Amendments to the Historic Preservation Element of the Oakland General Plan, certified in 1998. As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and /or 15061(b)(3) (General Rule—no possibility of significant environmental impact). A detailed environmental determination is contained in Attachment Q.

GENERAL PLAN GUIDELINES

On May 12, 1998, the City Council adopted interim controls that implement the General Plan prior to the adoption of revisions to the Oakland Planning Code. These interim controls are in the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (General Plan Guidelines). However, the new CBD zones will now implement Central Business District LUTE designations. Therefore, staff proposes to replace CBD-related text in the General Plan Guidelines that implement the designation with text that refers to the Planning Code (see Attachment R).

MINOR MODIFICATIONS

Staff requests that the Planning Commission authorize staff to make minor changes, clarifications and refinements to the proposal prior to submittal to the City Council. This may be required to clean up language, correct typing errors, or make other minor changes consistent with the Commission's recommendations. Although not anticipated, Staff proposes to bring any staff initiated significant or controversial changes back to the Planning Commission for further recommendation prior to submittal to the City Council.

KEY ISSUES AND IMPACTS

Height and Historic Resources

The related issues of what the allowed height should be in various areas of downtown and the protection of historic resources have been a major focus of the meetings in front of the ZUC. On the one hand, the LUTE (as well as regional and state policies) clearly calls for much greater development and building intensity in downtown where there is easy access to transit, available land, and opportunities for a vibrant, mixed use community. On the other hand, the LUTE and the Historic Preservation Element of the General Plan (HPE) also call for a variety of downtown building intensities to preserve historic neighborhoods and historic resources, establish a downtown "spine" near Broadway, and create a varied and interesting skyline.

Staff believes the current proposal strikes a good balance between these competing priorities. Staff is proposing no height limits and a maximum floor area ratio of 20.0 through the core of downtown and the Chinatown commercial district where there are heavily used BART stations and a hub of AC Transit service. Staff also proposes significant development throughout downtown where there are available parcels, including a 400-foot height limit in the County Civic Center (the area bounded by Madison, 11th, Harrison, and 14th Streets), the Telegraph and San Pablo Avenue gateways, and other locations.

At the same time, staff acknowledges that the downtown has the greatest concentration of historic resources in the City. These resources will be protected by applying the lowest height limits in Areas of Primary Importance (APIs, Oakland Heritage Survey's highest rated historic neighborhoods) where height is a character defining feature of the district. In the most historic districts where there is a strong context of a particular height, staff has lowered the height limit to 55 feet. Allowing greater building heights in these neighborhoods could endanger the cohesiveness of these historic districts. In historic districts where height is not a strong context, staff does not propose these height limits, but has design findings requiring that new buildings and additions strongly relate to the historic features of the neighborhood.

Staff has further fulfilled LUTE policies regarding an interesting skyline by graduating height down from the Broadway core to Lake Merritt and the western edge of downtown. This pattern dovetails with policies regarding preserving historic neighborhoods because APIs where height is a character defining feature tend to be located on the edges of the CBD. The proposed base and tower requirements will further develop a varied skyline by creating varied tower forms. The base and tower design will also ameliorate view and solar access issues that may arise due to the proposed building intensity.

Lakeside Drive

Appropriate height regulations for Lakeside Drive between 14th and 17th Streets have been a key issue for discussion (see Issue Area A in Attachment S). This area is an API and features a mix of historic and more recently constructed buildings such as the approximately 128-foot tall Scottish Rite Temple, 36 –

50-foot tall historic apartment buildings, and 12-16 story modern apartment buildings. Overall, the heights of buildings vary significantly from an approximately 25-foot-tall apartment building on the corner of 17th Street and Lakeside Drive to the approximately 170-foot tall apartment building at 1503 and 1515 Lakeside Drive. The parcels on this part of Lakeside Drive face Lake Merritt and are approximately 190 to 450 feet from its shore.

Coalition of Advocates for Lake Merritt (CALM) has consistently proposed that this area have a 55-foot height limit, arguing that greater height would block views and solar access to the Lake. CALM has further argued that staff's proposed height limit is inconsistent with LUTE policies regarding the area's designation as a "maintain and enhance" neighborhood. Attachment H contains a letter from CALM regarding this area and staff's response.

On the other hand, the Oakland Builders Association has argued that this neighborhood's proximity to the Lake makes it a desirable area for residential development. Therefore, OBA suggests that staff propose taller heights to fulfill LUTE policies regarding a vibrant, transit oriented, and populated downtown.

Staff has proposed Height Area 2 for this part of Lakeside Drive. This designation allows a 55-foot base height with a narrow tower up to 170 feet. The average tower floor plate could be no more than an average of 7,500 to 10,000 square feet, depending on the size of the lot. Towers would not be allowed to cover more than two-thirds (2/3) the length of any east or west side property line to preserve views to and from the lake. This proposal will be beneficial for the area in terms of solar access, views to and from the lake, the effect on the skyline, existing context, and development potential. The following is an analysis of these issues:

- *Solar access:* Shadow studies for the Essex building show that taller buildings in this area would have little solar impact on the lake due the alignment of the lots on this part of Lakeside Drive. The solar impact is additionally mitigated by the significant separation between the parcels and the lake edge.
- *View impacts:* The proposed narrow towers and limitations on tower coverage will allow views to and from Lake Merritt.
- *Skyline:* As mentioned much of the existing development on Lakeside Drive is approximately 170 feet tall and the Scottish Rite Temple is approximately 128 feet tall. Therefore, the proposal is consistent with the current context. Staff believes that greater heights would be too tall to allow a proper foreground to present the inner part of downtown, particularly for views from the eastern side of the lake.
- *Development Potential:* Staff believes that a 170-foot tall building provides ample development potential for the district. This height is taller than many buildings that have been proposed and constructed in the core of downtown.

222 19th Street

229 19th Street is the site of Schilling Gardens, an A-rated historic resource that has been proposed for a 42-story residential tower (see Issue Area B on Attachment S). The site is in the 244 Lakeside Drive Group API and is part of the August Schilling (of Schilling Spices) original estate. Staff proposes Height Area 3 (275 foot height limit, 85-foot tall base height, and 15,000 square foot average tower floor plate) for this location. Staff proposes this height to provide an appropriate height transition to the taller office buildings in the Kaiser Center and to provide an edge to Snow Park. The OBA has argued that this height maximum would limit development and be counter to LUTE policies regarding a vibrant, transit oriented, and dense downtown. The Oakland Heritage Alliance (OHA), CALM, and members of the neighborhood have argued that this height is out of scale with the neighborhood and will block views and sunlight to

and from the Lake, and that this parcel should not be treated differently than the rest of the 244 Lakeside Drive Group API, which is proposed for an 85-foot height limit.

Chinatown East

The Greater Chinatown/Lake Merritt BART Station Area is designated as "Issue Area C" on Attachment S. This area generally consists of single-family homes and apartment buildings, urban parks, the MetroCenter (headquarters for the Metropolitan Transportation Commission and the Association of Bay Area Governments), and the Lake Merritt BART Station. The 7th Street/Harrison Square Residential District API is also located in this area (see Attachment L). This historic district contains a high concentration of 19th and early 20th historic structures that vary in quality but together constitute a neighborhood with a consistent historic and height character. Staff recommends that all of Chinatown outside of the commercial area be designated Height Area 3 on the height map. The Chinatown Chamber of Commerce has argued that this area should have no height limits to maximize development potential and land values.

As mentioned, this area contains a lower-scale historic neighborhood as well as a BART station. Policies in the LUTE encourages both preservation of the historic scale of the neighborhood and intense development near the BART station. Staff believes more study is required on how to allow intense development compatible with the historic resources in the neighborhood. This will occur through the Specific Plan process that is currently underway. Staff proposes designating this area Height Area 3 to provide development opportunity around the BART station until adoption of the Lake Merritt BART Area Specific Plan.

Transfer of Development Rights

Transfer of Development Rights (TDRs) are a mechanism that allows developers to purchase development rights (additional height, density, or other development right) from one property (the sending site) to allow greater development on a new development site (the receiving site). TDRs provide benefits to local government by compensating landowners for lost property value due to zoning, and they use the market to pay for the preservation of public goods.

A successful TDR program requires that developers demand development opportunity beyond that allowed by the basic zoning regulations. For instance, if the zoning has a height maximum of 100 feet, but there is a demand for buildings of 500 feet, then there is an incentive for a developer to purchase development rights from another property. A TDR program would be difficult under the currently proposed regulations due to their permissive height and density regulations. Other important factors required for a successful program include strong support from the community, clearly stated requirements, a streamlined administrative process, and a robust real estate market. TDRs can be administratively challenging and require public education to promote the use of the program.

The Oakland Historical Alliance has proposed a TDR program to preserve historic properties in the CBD. In this case, historic properties in the CBD would be the sending sites and vacant and underutilized properties in the core of the CBD would be the receiving sites. Oakland's General Plan Historic Preservation Element (HPE) contains a recommendation for the creation of a TDR program to facilitate the protection of landmarks and preservation Districts. Specific recommendations related to the amount of transferable developable area are also included in the HPE.

Oakland's zoning regulations currently contain provisions for acquiring development rights from adjacent properties to allow greater development at a site. However, the program has never been used for historic preservation purposes. For most of the cities studied, the TDR program was seldom used, with the

notable exception of San Francisco. The success of San Francisco’s program is largely due to the demand for high-rise development there and the restrictive maximum base heights allowed by their planning code.

Due to the complexity of developing a successful TDR program, staff recommends that more research is needed including an economic study tailored to Oakland’s downtown market characteristics. However, staff presents a framework for a TDR program if the Planning Commission decides to recommend such a program to the City Council. The program would be based on the Central Business District Height/Bulk/Intensity Map. Essentially, historic resources in APIs and ASIs in Height Area 6 would be preserved by selling the development potential of these properties. Height Area 5 would be the receiving area, making an additional 35’ of base height possible and 10 percent more tower coverage.

A full analysis of TDR and this potential framework is contained in Attachment P.

1443 Alice Street

The issue of the allowed height for 1443 Alice Street has been another point of discussion during ZUC meetings and through correspondence to staff from the public (see Attachment S, Issue Area D). The site is the third lot north of 14th Street on the west side of Alice Street. This site currently has a B-rated, 45-50 foot tall historic garage. An application for a 37-story, 395-foot tall building (up to 245 residential units) built above the historic garage has been submitted to the City.

Previously, this site was to be in the same height area as 14th Street (Height Area 4--400 foot height limit) to accommodate development potential at the site. The current proposal designates this area as Height Area 1a (85-foot maximum) because:

- This height is consistent with the rest of that part of the Lakeside Apartment District API;
- The height of the existing 45-50 foot tall historic garage is consistent with the rest of the API;
- The site contains a historic garage and is a Designated Historic Property with a B rating;
- A 400-foot tall building would be out of scale with the A-rated Melonga Casquelourd Center for the Arts, which is across from the site;
- The Lakeside Apartment District is an API where a height is a character defining feature of the neighborhood. A 400-foot tall building would be out of scale with the neighborhood as a whole and would reduce the architectural cohesiveness of the district; and
- The site does not face 14th Street, where the height map focuses taller buildings.

RECOMMENDATIONS:

1. Affirm staff’s environmental determination.
2. Recommend adoption of the proposal to the City Council.

Prepared by:

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Planner III

Approved by:

ERIC ANGSTADT
Deputy Director of CEDA

Approved for forwarding to the
City Planning Commission:

WALTER COHEN
CEDA Director

ATTACHMENTS:

- A. Proposed text for the Central Business District zones
- B. Proposed zoning map
- C. Proposed height map
- D. Maps of historic resources
- E. Map of existing zones
- F. Comparison of existing and proposed density and bulk regulations
- G. Text regarding the CBD in the LUTE
- H. October 29, 2009 letter from CALM and staff response
- I. Land use inventory map
- J. APIs where height is a character defining feature
- K. Summary of proposed height/intensity/bulk regulations
- L. Proposed height map with modifications and map of all the APIs
- M. Summary of modifications to the height map
- N. Proposed changes to text throughout the Planning Code
- O. Full text of the LPAB recommendations
- P. Transfer of Development Rights analysis
- Q. Environmental Determination
- R. Proposed changes to the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations"
- S. Issue area map
- T. Comments since the January 28, 2009 ZUC meeting

ATTACHMENT E: CHANGES MADE TO PROPOSAL AT OR SINCE THE APRIL 15, 2009 PLANNING COMMISSION MEETING

The following changes to the proposal were made at or since the April 15, 2009 Planning Commission meeting and are shown in detail in Ordinance Exhibit A:

A. Changes Recommended by City Planning Commission on April 15, 2009

1. In Table 17.58.03 of Attachment A, Property Development Standards, the minimum ground floor height of buildings has been increased from 14 feet to 15 feet. This change was recommended by the Planning Commission to assure that new construction has a strong ground floor presence.
2. 1880 Jackson Street has been changed from Height Area 4 to Height Area 2 (See Attached). This change was recommended to maintain the intimate character of the street, preserve the street as a social gathering space, and create a transition to neighboring historic properties. Note that the Planning Commission recommended the change to be from Height Area 3 to Height Area 1a for this parcel. Staff's proposed change is reflective of the Planning Commission recommendation because the adjusted numbering of the Height Areas described in item 15.
3. Note L7 in Table 17.58.01 of Attachment A, Permitted and Conditionally Permitted Activities, has been modified to allow ground floor commercial activities in the CBD-R zone to extend to the second story. Previous versions limited commercial activities to the ground floor of buildings in the CBD-R zone. This modification allows more flexibility for small businesses to expand in the CBD-R zone.
4. A change to Section 17.58.060(B)(4) of Attachment A clarifies that open parking is not allowed between a principal building and the street. This change lessens the visual presence of parked cars and provides a more attractive streetscape.
5. Table 17.58.01 of Attachment A has been changed to conditionally permit Research and Development Industrial Activities in the CBD-C zone. The previous proposal prohibited this activity in that zone. This change was recommended by the Planning Commission to allow a wider range of downtown business activities.

B. Staff Initiated Changes

6. Note L7 in Table 17.58.01 of Attachment A has been clarified to state that commercial activities can be performed in the upper stories of Local Register Properties in the CBD-R zone. This note encourages adaptive reuse of historic buildings and is consistent with the Commission's recommendation regarding second floor activities in the CBD-R zone, is not significant and not controversial.






7. Section 17.136.055(B)(2) in Exhibit A of the ordinance has been amended to state that the subsection only applies to APIs. This is a clerical correction because the intent, as described in the Staff Report to the Planning Commission on April 15, 2009, was for these finding to only apply to APIs. Further, the Section 17.136.055(B)(2) provides findings for historic resources outside API's, so findings for these historic resources are not also required in Section 17.136.055(B)(2).
8. Sections 17.136.055(B)(2) and 17.136.055(B)(3) in Exhibit A of the ordinance have been changed to state that the findings in those sections only apply to applications requiring Regular Design Review approval. This corrects a clerical error because the Small Project Design Review requirements for projects involving historic resources are already established in the current regulations under 17.136.030(C)(2).
9. The finding contained in 17.136.055(B)(2)(f) in Exhibit A of the ordinance has been modified to reflect the language in the Historic Preservation Element of the General Plan. The change will allow minor additions to historic structures to be reviewed administratively and will encourage the rehabilitation of historic resources. The change is consistent with the Commission's recommendation, is not significant and not controversial.
10. The finding contained in 17.136.055(B)(3)(c) in Exhibit A of the ordinance from "The proposal does not remove a designation of a district as an ASI" to "The proposal does not disqualify an ASI as an ASI". This is not a substantive change and makes the text more readable. Therefore, the change is not significant and not controversial; and
11. "Animal Boarding" (i.e. kennels) was added to the list of commercial activities in Table 17.58.01 in Attachment A. This activity was mistakenly omitted from the previous version. Staff recommends not allowing this activity in the CBD because of its impacts on residential activities and such change is consistent with the Commission's recommendation that kennels be prohibited in the CBD. This change places the regulation contained in former note L11 of this table of the Chapter into the Table. Removal of the note changes the numbering of the Table. This change is not substantive and, therefore, is not significant and not controversial.
12. "Intermediate Recycling Processing Facility" was removed from the list of industrial activities in Table 17.58.01 in Attachment A because it is not an activity defined in the Planning Code. This is a clerical correction.
13. Note L4 of Table 17.58.01 in Attachment A removes a use permit requirement for activities greater than 7,500 square feet on Telegraph Avenue and 14th Street. This change encourages more business activity on these major streets and such change is consistent with the Commission's recommendation, is not significant and not controversial.
14. In Section 17.58.060(B)(3) in Attachment A, a reference was changed from note "E" to note "4". This change is a clerical correction.

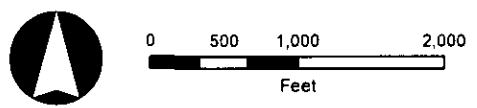
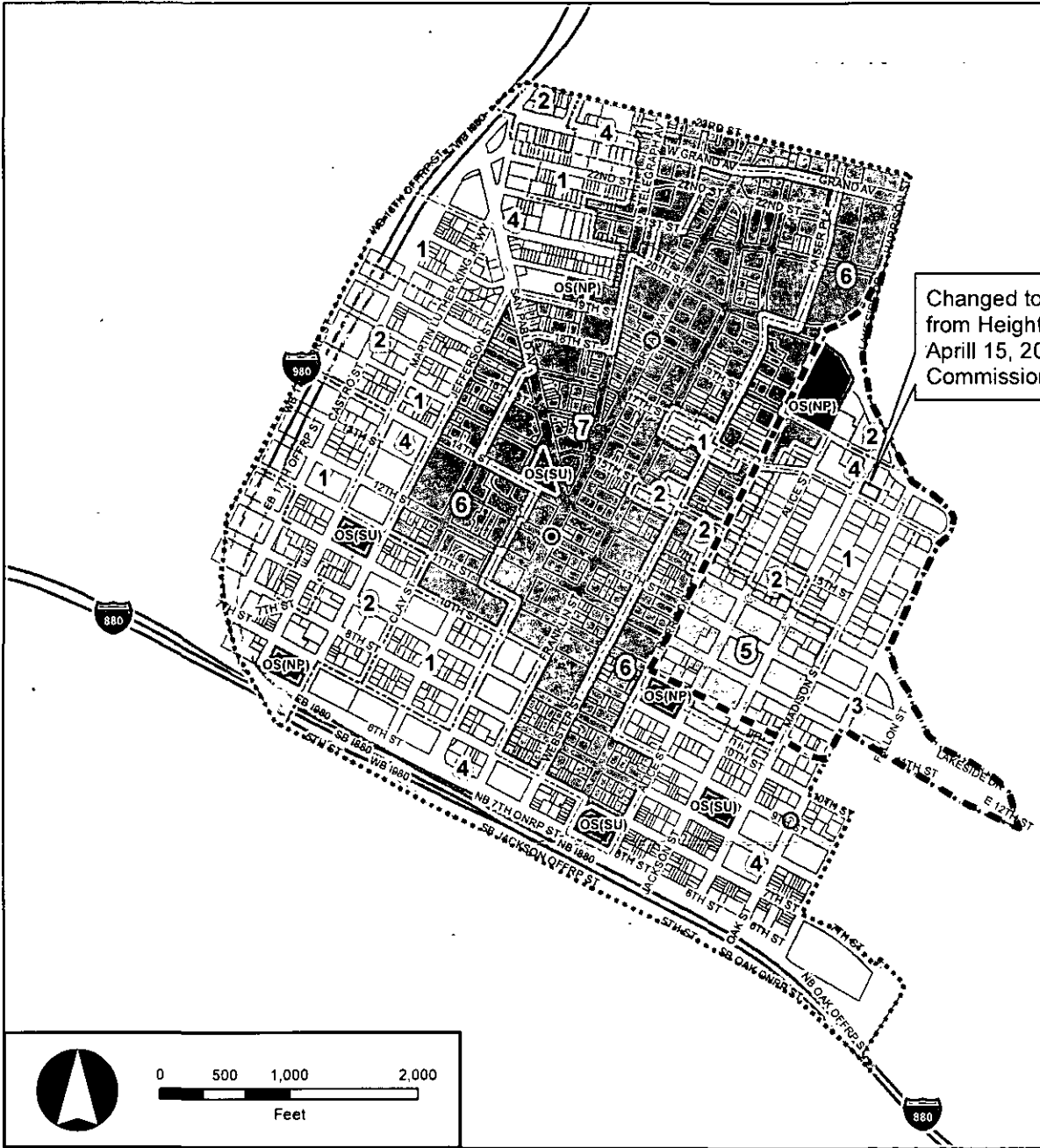
15. In Table 17.58.040 in Attachment A, the Height Area 1a was changed to Height Area 2. This required the names of Height Areas 2 to 6 to be changed to 3 through 7. In other words, previous versions of the proposal contained Height Areas 1, 1a, 2, 3, 4, 5, and 6; the proposed version contains Height Areas 1, 2, 3, 4, 5, 6, and 7. Note 3 of that table reflects this clerical change in the numbering of the height areas.

CENTRAL BUSINESS DISTRICT
Modified Height Proposal

Height Area	Base Height (ft)	Total Height (ft)	Tower % of site area	Tower Floor Rate (sf)
1	55	55	NA	NA
2	85	85	NA	NA
3	55	170	50	10,000
4	85	275	75	15,000
5	85	400	75	20,000
6	85	None	75	25,000
7	120	None	85	None

Changed to Height Area 4 from Height Area 2 at the April 15, 2009 Planning Commission Meeting.

-  Proposed Height Changes
-  Special Area: A (Tower siting requirements)
-  Parks
-  Central Business District (CBD)
-  BART Station






ATTACHMENT F: MAPS OF HISTORIC RESOURCES




**CENTRAL BUSINESS DISTRICT
Historic Resources**

Potential Designated Historic Properties (PDHP's)

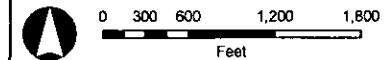
Historic Rating

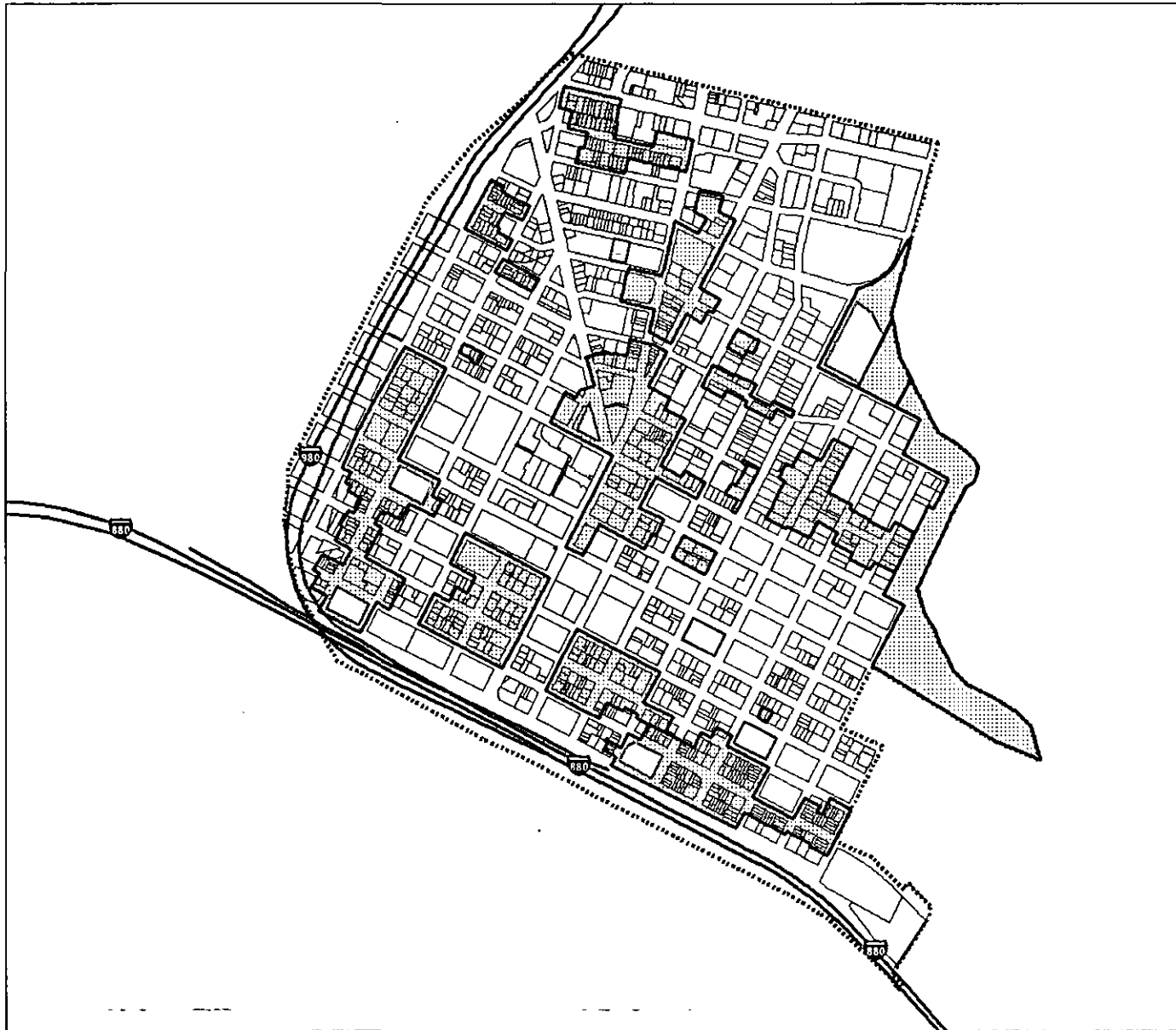
-  A - Highest Importance
-  B - Major Importance
-  C - Secondary Importance

City Landmarks

-  City Designated Landmarks
-  Open Space
-  Central Business District (CBD)





Note: A and B: Potentially eligible for landmark designation.
C: Potentially eligible for heritage property designation.





CENTRAL BUSINESS DISTRICT Historic Resources

Historic Districts

-  Areas of Primary Importance
-  Areas of Secondary Importance
-  Open Space
-  Central Business District (CBD)

Note: Areas of Primary Importance (API):
Historically cohesive areas that contain a high proportion of individual properties with a "C" rating or higher and appear eligible for the National Register of Historic Places as a district.

Areas of Secondary Importance (ASI):
Similar to APIs except that ASIs do not appear eligible for the National Register of Historic Places.



ATTACHMENT G: SUMMARY TABLES OF BULK AND DENSITY STANDARDS FOR EXISTING AND PROPOSED CBD ZONES

Existing Zones

	Zone	Permitted Res. Density*	Conditionally Permitted Res. Density*	Permitted F-A-R*	Conditionally Permitted F-A-R*	Max. Height
Most Common CBD Zones	C-51 Central Business Service Commercial	1 unit per 150 sq. ft. lot area	50% bonus with acquisition of development rights	7.0	50% bonus with acquisition of development rights	No limit
	C-52 Old Oakland Commercial	1 unit per 300 sq. ft. lot area	1) 50% bonus for res. facility >4 stories; 2) 50% bonus with acquisition of development rights	No limit	No limit	50 ft.
	C-55 Central Core Commercial	1 unit per 150 sq. ft. lot area	50% bonus with acquisition of development rights	7.0 for residential; no limit for commercial	50% bonus with acquisition of development rights	No limit
	R-90 Downtown Apartment Residential	1 unit per 150 sq. ft. lot area	50% bonus with acquisition of development rights	7.0	50% bonus with acquisition of development rights	No limit
Other CBD Zones	C-40 Community Thoroughfare Commercial	1 unit per 450 sq. ft. lot area	1) 50% bonus for res. facility >4 stories; 2) 50% bonus with acquisition of development rights	3.0 for commercial; no limit for residential	50% bonus with acquisition of development rights	No limit
	C-45 Community Shopping Commercial	1 unit per 300 sq. ft. lot area	1) 50% bonus for res. facility >4 stories; 2) 50% bonus with acquisition of development rights	7.0	1) 50% bonus for res. facility >4 stories; 2) 50% bonus with acquisition of development rights	No limit
	R-80 High-Rise Apartment Residential	1 unit per 300 sq. ft. lot area	1) 50% bonus for res. facility >4 stories; 2) 50% bonus with acquisition of development rights	3.5	1) 50% bonus for res. facility >4 stories; 2) 50% bonus with acquisition of development rights	No limit
	S-2 Civic Center	1 unit per 300 sq. ft. lot area	1) 50% bonus for res. facility >4 stories; 2) 50% bonus with acquisition of development rights	3.5	1) 50% bonus for res. facility >4 stories; 2) 50% bonus with acquisition of development rights	No limit

*Upon the granting of an Interim Conditional Use Permit, a project can reach the General Plan maximum density of one unit per 87 square feet of lot area and an FAR of 20.0 in any part of the CBD. This process is described in Chapter 17.01 of the Planning Code and the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations”.

Proposed Height Areas

	Height Area							Notes
	1	2	3	4	5	6	7	
Maximum Density (Square Feet of Lot Area Required Per Unit)								
Dwelling unit	300	200	90	90	90	90	90	
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	
Maximum Height								
Building base	55 ft	85 ft	55 ft	85 ft	85 ft	85 ft	120 ft	1
Total	No tower permitted	No tower permitted	170 ft	275 ft	400 ft	No height limit	No height limit	
Maximum Lot Coverage								
Building base (for each story)	Not applicable	Not applicable	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the base	Not applicable	Not applicable	50% of site area or 7,500 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	85% of site area or 10,000 sf, whichever is greater	2

Notes:

1. 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.
2. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:
 - a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is 15,000 square feet and the 5th story of the other tower is 20,000 square feet, then the total floor area of the 5th story is 35,000 square feet.
 - b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen (15) percent greater than the maximum average per story floor area above base.
 - c. A story that is more than fifteen (15) percent less than the maximum average floor area is not included in the average per story floor area above the base.

ATTACHMENT H: SUMMARY OF HEIGHT ZONES

The following chart summarizes the height and bulk regulations in the proposal:

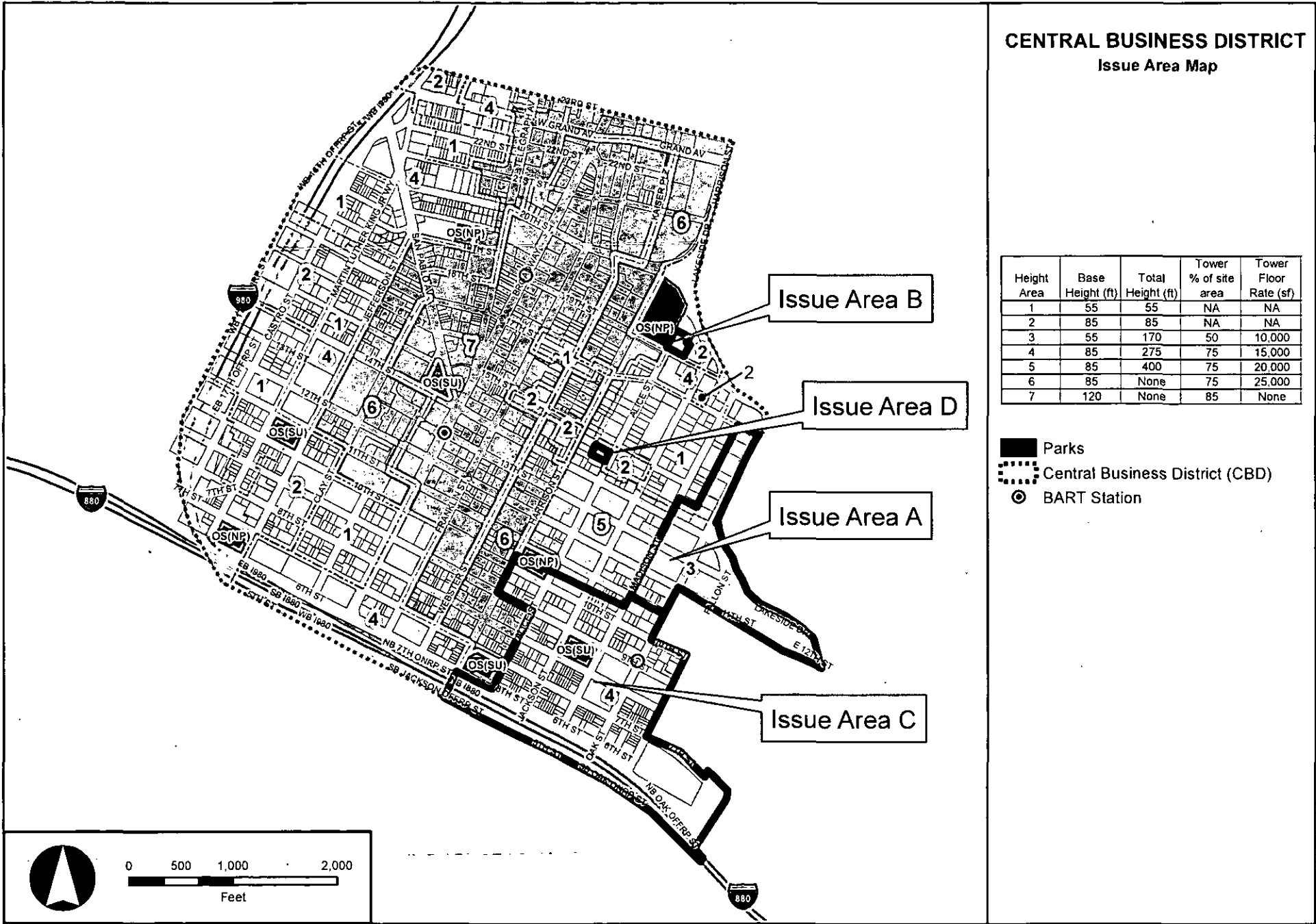
Regulation	Height/Bulk/Intensity Area						
	1	2	3	4	5	6	7
Maximum Density ¹	300	200	90	90	90	90	90
Maximum FAR ²	4.5	6.0	8.0	14.0	17.0	20.0	20.0
Maximum Height							
Building base ³	55 ft	85 ft	55 ft	85 ft	85 ft	85 ft	120 ft
Total	No tower permitted	No tower permitted	170 ft	275 ft	400 ft	No height limit	No height limit
Minimum Height	None	None	None	45 ft	45 ft	45 ft	45 ft
Average per story lot coverage above the base ⁴	Not applicable	Not applicable	50% of site area or 7,500 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	85% of site area or 10,000 sf, whichever is greater
Tower Regulations							
Maximum average area of floor plates ⁵	Not applicable	Not applicable	10,000 sf	15,000 sf	20,000 sf	25,000 sf	No maximum
Maximum building length ⁶	Not applicable	Not applicable	115 ft	150 ft	175 ft	195 ft	No maximum
Maximum diagonal length ⁶	Not applicable	Not applicable	145 ft	180 ft	210 ft	235 ft	No maximum

1. The maximum density is the number of dwelling units per square footage of lot area. For instance, if the maximum density for an area is one unit per 1,000 square feet of lot area, and a lot is 100,000 square feet, then 100 units are allowed on that lot.
2. Floor Area Ratio (FAR) is a measurement of the bulk on a lot and is calculated by dividing the square footage of the buildings on a lot by the square footage of the lot. For instance, if the maximum FAR is 5.0, 500,000 square feet can be developed on a 100,000 square foot lot.
3. The building base is the lower area part of a building where a floor plate can be the size of a lot.
4. The maximum average per story floor area above the base is calculated as a percentage of the site area. In other words, if a parcel is 100,000 square feet, and a height area allows the average per story floor area above the base to be 80 percent, then the average story above the base cannot be more than 80,000 square feet. If there is more than one tower above the base, then the floor area of the comparable stories of each building are added together to determine the total floor area of that story. For example, if there are two towers above the base and the 5th story of one tower is 35,000 square feet and the 5th story of the other tower is 25,000 square feet, then the total floor area above the base of the 5th story is 60,000 square feet. Using the example above, if the average total floor area of all the stories stays at 80,000 square feet or below, the building meets the regulation. This regulation reduces upper story bulk and encourages building articulation; proposing the maximum to be an average allows design flexibility. The regulations state that average coverage cannot be required to be below 7,500 (for Height Area 2) and 10,000 square feet for Height Areas 3 – 6 to accommodate construction on small lots.
5. A minimum required floor plate is provided to accommodate construction on small lots.
6. The average floor plate of a tower is the average square footage of the stories within an individual tower. For instance, if a tower is four stories high, and two stories are 28,000 square feet and two stories are 32,000 square feet, then the average floor plate of the tower is 30,000 square feet. This regulation is an average to maximize the design flexibility of the

towers. For comparison, the floor plate of the Tribune Tower is approximately 2,000 square feet, the new Rincon Tower at the foot of the Bay Bridge in San Francisco is approximately 10,000 square feet, one tower of the Federal Building is approximately 16,000 square feet, the Clorox Building in City Center is approximately 20,000 square feet, and the newly approved T12 building is approximately 26,000 square feet. With the exception of the T12 building, these are approximations based on aerial photographs. The T12 building is based on approved plans.

7. The building length of a tower is the horizontal length of the side of a tower in elevation. In other words, if a tower has consistent floor plates that are a 100 by 200 foot rectangle with sides parallel to the property line, the building lengths of the tower are 100 feet and 200 feet. The diagonal length is the distance between the two most separated points of a building. These regulations assure that towers are not flat, slab-shaped structures that will block the sunshine and views in and out of downtown. Staff chose the maximum dimensions to also allow significant variation and creativity in design.

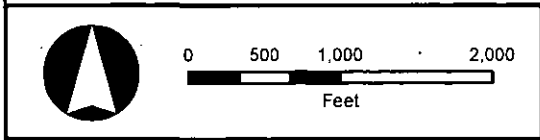
ATTACHMENT I: ISSUE AREAS



**CENTRAL BUSINESS DISTRICT
Issue Area Map**

Height Area	Base Height (ft)	Total Height (ft)	Tower % of site area	Tower Floor Rate (sf)
1	55	55	NA	NA
2	85	85	NA	NA
3	55	170	50	10,000
4	85	275	75	15,000
5	85	400	75	20,000
6	85	None	75	25,000
7	120	None	85	None

- Parks
- Central Business District (CBD)
- BART Station



ATTACHMENT J: ENVIRONMENTAL DETERMINATION

ENVIRONMENTAL DETERMINATION

Several past environmental documents discussed and evaluated the environmental impacts associated with this proposal and reliance on them satisfies any requirements under the California Environmental Quality Act (CEQA). In addition, the project is considered exempt from CEQA under Sections 15183 and/or 15061(b)(3) of the CEQA Guidelines.

Environmental Impact Report (EIR) for the LUTE

The EIR for the LUTE evaluated the environmental impacts of the proposal and anticipated future reliance on it for actions that were consistent with it and intended to implement it. Reliance on the LUTE EIR is appropriate as stated on page I-4 of that document:

The EIR may also be used at a future date by the Planning Commission and City Council to evaluate the environmental impacts of subsequent actions that are consistent with the Land use and Transportation Element or are intended to implement the Land Use and Transportation Element.

Further, the changes to the ordinance and zoning map being proposed were evaluated by the LUTE EIR. The LUTE EIR specifically states that the document may be used to evaluate the environmental impacts of “amendments of the Zoning Ordinance and Zoning Map for General Plan consistency”. This LUTE EIR contains several mitigation measures that reduce development impacts proposed by the LUTE to less than significant and identify others as unavoidable or irreversible. Staff has considered and incorporated the mitigations into the proposal. The following are relevant policies, mitigations, and impacts in the LUTE regarding the CBD as well as the proposal’s implementation of these policies and mitigations.

Land Use. Impact A.1 identifies the following impact:

Implementation of the proposed Land Use and Transportation Element would alter the Oakland General Plan land use classification, changing the densities that are allowed in various residential designations and restructuring the commercial and industrial designation to reflect a broader range of industry and business than anticipated in the 1980 (General) Plan. Development consistent with the new definitions could result in a broader range of commercial and industrial uses in some areas (III.A-6)

The EIR states that the new CBD designation would not create a significant impact because prior General Plan designations set no upper limit on development intensity and the prior General Plan allowed a mix of uses similar to the 1998 plan. The EIR further identifies measures that mitigate impacts beyond the mitigations implemented by policies in the Land Use section of the EIR. The most relevant mitigation includes the following:

During the revision of the zoning ordinance and map, develop zoning district definitions and map boundaries to project enclaves of lower density residential development that may be designated for more inclusive density categories on the

Land Use and Transportation Diagram. Use the General Plan Strategy Diagram as a means of making this determination (page III.A-12).

The proposal implements this impact by proposing the least intense height areas to the lower scale residential neighborhoods toward the edges of downtown (see Attachment xx). The proposal also implements the Strategy Diagram by limiting the allowed height and density in areas east of Harrison Street, particularly the Lakeside Apartment District (see Attachment xx for further analysis).

The EIR identifies the LUTE encouraging more commercial and mixed use activities in downtown as a possible environmental impact. In particular, the plan identifies Specific Impact Type A.2f on page II.A-26 of the plan:

Proposed General Plan map changes would reclassify some residentially designated land for commercial or mixed uses. This impact is less than significant due to proposed policies in the Element that address land use compatibility.

The proposal has incorporated mitigations regarding this compatibility by not allowing impactful commercial or industrial activities in residentially zoned neighborhoods. Further, any commercial activities in a residential neighborhood greater than 7,500 square feet would require a conditional use permit to allow the City to evaluate the impacts of larger projects. Most of downtown currently has a mix of residential and commercial activities. Therefore, the proposal is consistent with development patterns already found in downtown. Finally, the current planning code has regulations regarding the buffering of residential activities from commercial activities.

Population, Housing, and Employment. The LUTE EIR describes the potential impact of the LUTE on population, housing, and employment and identifies mitigation measures to address any significant adverse impact. The EIR anticipated significant increases in Oakland's housing and employment capacity and adopted several policies that decrease impacts to less than significant. In particular, the expanded number of jobs in Oakland was expected to increase demand for housing and housing costs.

The proposal implements mitigations by allowing residential high rises and high density housing throughout downtown. Further, the Housing Element of the EIR has identified sites for residential developments in Downtown. This element is currently in the process of being updated.

Public Services. The LUTE EIR describes the impact of the LUTE on public services to the Oakland Planning Area, including water, sewer, storm drainage, solid waste, police, fire, schools, libraries, and parks. The LUTE states that impacts on public services are less than significant due to existing policies and identified mitigations in the EIR including: 1) reviewing large development projects in terms of capital improvement and public service levels; 2) requiring new developments to contribute to capital improvements; 3) promoting recycling, composting, and other activities; and 4) soliciting comments from the Oakland Police and Fire Departments on major new developments. These mitigations are regularly implemented through the development review processes. Other mitigations relate to the operation of relevant public service providers.

Air Quality. The LUTE EIR identifies two air quality impacts resulting from the new CBD development anticipated by the LUTE: 1) the mix of uses proposed by the LUTE could result in odor nuisance problems for residents; and 2) construction activity could result in dust impact. The EIR mitigates the first impact through requiring appropriate venting and appropriate equipment design. These mitigations are implemented through the building code. The second impact is mitigated through the standard conditions of approval regarding construction management that the City applies to development projects.

Visual and Aesthetic Conditions. The EIR states that the LUTE encourages high rise development in downtown. This policy could potentially have impacts on views and solar access and create visually incongruities between new and old buildings. The LUTE identifies the following mitigations that would reduce the impact to less than significant:

1. Develop guidelines or step backs for height and building for new development projects in the downtown area. Developments should be encouraged to be designed at pedestrian scale on the street-side, with towers or strong vertical elements stepping back from the street.
2. Analyze the desired height of downtown office development and develop zoning regulations that support the preferred skyline design;
3. Define view corridors and, based upon these views, designate appropriate height limits and other requirements. Views of Lake Merritt, the Estuary, and architecturally or historically significant building should be considered.

The proposal implements each of these mitigations. The proposal requires a “base and tower” high rise development design for much of downtown that requires new construction to have a reduction in mass in its upper stories. Several design requirements encourage a strong pedestrian orientation on the street such as maximum setbacks, required window transparencies, minimum ground floor heights, and other provisions. The proposed height map establishes the Broadway core as the focus of the skyline, with building heights graduating down to the west and the east. The proposed base and tower design promotes views and a varied skyline. Special regulations require that building design allow views to and from the lake. Finally, the proposal recommends a study of view corridors for Lake Merritt and important downtown structures.

Cultural and Historic Resources. The EIR states that LUTE policies regarding high density construction downtown could encourage the demolition of historic resources. The LUTE incorporates the 24 policies and 66 actions contained in the HPE designed to project historic buildings. In addition to these policies, the EIR references LUTE policies regarding the preservation of Old Oakland and the locations that create a sense of history and community wherever feasible. Other LUTE policies referenced in the EIR include:

1. Policy D1.1: The characteristics that make downtown Oakland unique, including its strong core area, proximity to destinations such as the Jack London Waterfront, Lake Merritt, historic areas, cultural, arts, and entertainment activities, and housing stock should be enhanced and used to strengthen the downtown as a local and regional asset (page III.G-17);
2. Policy D2.1: Downtown development should be visually interesting, harmonize with its surrounding, respect and enhance important views in and of the downtown, and contribute to an attractive skyline (page III.G-17); and

3. Policy N11.4: The City encourages rehabilitation efforts which respect the architectural integrity of a building's original style (page III.G-17).

The EIR also identifies the following mitigation measures:

1. Mitigation Measure G.3a: Amend the Zoning Regulations text to incorporate the new preservation regulations and Districts (page III.G.16); and
2. Mitigation Measure G3b: Develop and adopt design guidelines for Landmarks and Preservation Districts (page III.G.16).

The plan implements these policies and mitigations through several new regulations relating to the demolition, rehabilitation, and preservation of historic resources (see "Historic Resources" section, above) and other design regulations, including:

1. Findings required for the demolition of new structures. These findings are consistent with those described in the HPE;
2. Required design review findings for additions and alterations (including rehabilitation) to historic structures. These findings require alterations that are consistent with the historic design and architecture of the building;
3. Required design review findings for new construction and additions in historic districts. These findings require new construction to reflect the patterns of the district;
4. Limited height maximums in historic neighborhoods where height is a character defining feature of the district. These height maximums discourage demolition of historic buildings;
5. New processes requiring hearings in front of the LPAB; and
6. New regulations encouraging view preservation and high quality design throughout downtown (see "Visual and Aesthetic Conditions," above).

Energy. The EIR identifies the additional construction, population, and employment anticipated by the LUTE to use marginally more energy than would have been required under the previous General Plan. The EIR, however, states that this impact is lessened by a reduction of vehicle trips made by providing more jobs and population near transit, and reducing the length of commutes. The LUTE EIR also identifies several policies in the OSCAR that reduce the impact on energy to less than significant.

Soil, Surface Fault Rupture, and Ground Shaking and Ground Failure Impacts. The EIR states that adoption of the LUTE could result in development on soil that could cause structural damage to new and existing buildings. The EIR also states that new buildings and facilities constructed as a result of the LUTE could be vulnerable to seismic events. That plan states that these impacts are less than significant due to the existing regulatory structure and several polices contained within the OSCAR.

Noise. Impact L.8 of the EIR (page III.L-19) identifies the construction of new downtown projects as a significant noise and vibration impact. The EIR identifies noise control measures that would lessen these noise impacts. These measures have been incorporated into standard conditions of approval for new development projects.

Impacts L.9 and L.10 of the EIR (page III.L-23) identifies additional noise as a result of more downtown traffic as a possible impact. The EIR, however, states that these increases would be

only slightly noticeable, within acceptable levels of residential, commercial, and office activities, and would not a significant impact.

Wind. The EIR states that the construction of high rise buildings could change downtown wind patterns. The document states that a podium and tower design such as currently proposed would lessen wind impacts. Further, the City new towers to study wind impacts for CEQA review. The EIR, nonetheless, identifies wind as a significant and unavoidable impact.

EIR for Amendments to the Historic Preservation Element of the General Plan

In 1998, the City certified an EIR to evaluate the impacts of four new policies proposed for the Historic Preservation Element. The proposed amendments affected Policy 3.2, which delineates the process that city-owned and controlled properties are considered for historic designation; Policy 3.3, which delineates a process that requires property owners to apply for historic designation as a condition of receiving City financial assistance; Policy 3.5, which addresses design review requirement for Potentially Designated Historic Properties; and Policy 3.8, which addresses the City's thresholds for environmental significance for historic properties. This EIR contains several mitigation measures that reduce development and demolition impacts on historic properties to less than significant and identifies others as unavoidable or irreversible. Staff has considered and incorporated the mitigations into the proposal.

The EIR states that implementation of findings regarding the demolition of historic structures mitigates the impacts resulting from demolition of historic properties. The current proposal would implement these findings through new findings in the Planning Code for the demolition of historic buildings.

Initial Study/Mitigated Negative Declaration for the 2004 Housing Element Update

In 2004, The City certified an Initial Study/Mitigated Negative Declaration for an update to the Housing Element. The element was based on eight goals that provide direction and guidance for meeting the City's housing needs through 2006:

1. Provide adequate sites suitable for all income groups;
2. Promote the development of adequate housing for low- and moderate-income households;
3. Remove constraints to the availability and affordability of housing for all income groups;
4. Conserve and improve older housing and neighborhoods;
5. Preserve affordable rental housing;
6. Promote equal housing opportunity;
7. Promote sustainable development and smart growth; and
8. Increase public access to information through technology.

The Initial Study/Mitigated Negative Declaration (IS/MND) for the element contains several mitigation measures that reduce the impacts of the actions directed by the Housing Element to less than significant. Staff has considered and incorporated the mitigations into the proposal. The IS/MND largely depends on the analysis contained in the LUTE EIR (see above). The document also contains additional analysis regarding air quality and noise impacts due to new construction. The mitigations listed in the IS/MND are implemented through the current standard conditions of approval applied to new development.

Based upon the foregoing, further environmental review is not required as none of the requirements of CEQA Guidelines section 15162 and/or 15163 have been met.

As a separate and independent basis, the proposal is exempt from CEQA under CEQA Guidelines sections 15183 and/or 15061(b)(3), as detailed below,

CEQA Guidelines Section 15183

As a separate and independent basis, the proposal is exempt from CEQA under CEQA Guidelines section 15183, which provides that projects that are consistent with the development density established by existing general plan policies for which an EIR was certified shall not require additional environmental review, except to examine project-specific significant effects that are peculiar to the project. This allowed exemption streamlines the review of projects.

1. As discussed in the "General Plan Analysis" section of this document, the project is consistent with the LUTE, for which an EIR was certified in March 1998, and the Historic Preservation Element (HPE) of the General Plan, for which an EIR was certified in 1998.
2. Feasible mitigation measures identified in the LUTE and HPE EIRs were adopted and have been, or will be, undertaken;
3. The LUTE and HPE EIRs and this environmental review evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts, and found them to be adequately addressed. The project is an implementation of the LUTE and the HPE and, therefore, no new impact should result from the project not anticipated by the EIRs for those plans.
4. Uniformly applied development policies and/or standards (imposed as Standard Conditions of Approval) have previously been adopted by the City Council on November 8, 2008, and found, when applied to future projects in the CBD, substantially mitigate impacts.
5. Substantial new information does not exist to show that these Standard Conditions of Approval and mitigations identified above will not substantially mitigate the project and cumulative impacts.

CEQA Guidelines Section 15061(b)(3)

As a further separate and independent basis, the proposal is also exempt from CEQA under CEQA Guidelines section 15061(b)(3), which provides that where it can be seen with certainty that a project will not have significant impacts, no environmental review is required. Here, the proposal is more restrictive than the current zoning and is consistent with the current development pattern with respect to historic resources that have height as a character defining element.

The proposed height regulations, findings, and processes regulated to the preservation of historic properties make it certain that the proposal will not have a significant impact. Height maximums similar to existing context assure that new construction will be compatible to other buildings in

Areas of Primary Interest (APIs) where height is a characteristic feature. Proposed section 17.136.055 contains further findings and processes required for development in these types of APIs.

2009 JUN 11 PM 4:04

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

Mark P. Wald

City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO: (A) AMEND THE OAKLAND PLANNING CODE TO CREATE FOUR NEW ZONES FOR THE CENTRAL BUSINESS DISTRICT AND MAKE RELATED TEXT AMENDMENTS; (B) AMEND THE ZONING MAPS TO INCLUDE THE NEW CENTRAL BUSINESS DISTRICT ZONES AND HEIGHT/BULK/INTENSITY AREAS FOR THE CENTRAL BUSINESS DISTRICT; AND (C) AMEND THE DOCUMENT "GUIDELINES FOR DETERMINING PROJECT CONFORMITY WITH THE GENERAL PLAN AND ZONING REGULATIONS" TO REFLECT THE ABOVE CHANGES.

WHEREAS, in March of 1998 the City adopted the Land Use and Transportation Element of the General Plan (LUTE); and

WHEREAS, the development standards contained in a City's Planning Code and zoning maps should directly implement the intent for each of the land use classifications contained in the LUTE; and

WHEREAS, the Central Business District (CBD) is a land use designation in the LUTE; and

WHEREAS, the existing zoning districts in the CBD have not been updated to implement the land use policies CBD land use classification since the LUTE was adopted in 1998; and

WHEREAS, City Planning staff has proposed adding four new zones: CBD-R Central Business District Residential Zone, CBD-P Central Business District Pedestrian Retail Commercial Zone, CBD-C Central Business District General Commercial Zone, and CBD-X Central Business District Mixed Commercial Zone and changes associated to the new zones throughout the Planning Code to implement the Central Business District LUTE classification; and

WHEREAS, the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (hereafter "Guidelines") was adopted by the City Council on May 6, 1998 and subsequently amended November 3, 1999, August 8, 2001, December 5, 2001, July 15, 2003, January 4, 2006 and extended December 4, 2007; and

WHEREAS, the Guidelines describe the procedure for deciding whether a project is consistent with the LUTE and the procedure to follow when the Planning Code and LUTE conflict; and

WHEREAS, various community meetings, and duly noticed meetings before the City Planning Commission's Zoning Update Committee, Landmarks Preservation Advisory Board, and City Planning Commission were held; and

WHEREAS, after a duly noticed public hearing on April 15, 2009, the City Planning Commission voted 4-0-1 (one abstention) to (a) recommend to the City Council it adopt the four new zones for the Central Business District and make related text Amendments; (b) amend the Zoning Maps to include the new Central Business District zones And Height/Bulk/Intensity Areas for the Central Business District; and (c) amend the document "Guidelines For Determining Project Conformity With the General Plan and Zoning Regulations" to reflect the above changes; and

WHEREAS, after a duly noticed public meeting on June 23, 2009, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on July 7, 2009 to consider the proposal; now therefore

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

Section 1. The City Council finds and determines the forgoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. Title 17 of the Oakland Planning Code is hereby amended to 1) add a new Chapter 17.58 Central Business District Zones Regulations which will create the following four new zones: CBD-R Central Business District Residential Zone, CBD-P Central Business District Pedestrian Retail Commercial Zone, CBD-C Central Business District General Commercial Zone, and CBD-X Central Business District Mixed Commercial Zone and 2) make related changes throughout the Planning Code, as detailed in **Exhibit A**, attached hereto and hereby incorporated herein by reference.

Section 3. The Oakland Zoning Map is hereby amended to map the four new zones, as indicated in **Exhibit B**, and Height/Bulk/Intensity map overlay as indicated in **Exhibit C**, attached hereto and hereby incorporated herein by reference.

Section 4. The "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" is hereby amended as reflected in **Exhibit D**, attached hereto and hereby incorporated herein by reference.

Section 5. Prior to adopting this Ordinance, the City Council independently finds and determines that this action complies with CEQA because the City is relying on the Environmental Impact Report (EIR) for the LUTE, certified in 1998; the Initial Study/Mitigated Negative Declaration for the 2004 Housing Element Update, certified in 2004, and the EIR for Amendments to the Historic Preservation Element of the Oakland General Plan, certified in 1998; and none of the changes to the Project, or circumstances under which it will be undertaken, or new information require preparation of a subsequent or supplemental EIR. Thus, no further CEQA review is required. As a separate and

independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and /or 15061(b)(3) (General Rule—no possibility of significant environmental impact). The Environmental Review Officer is directed to cause to be filed a Notice of Determination/Exemption with the appropriate agencies.

Section 6. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 7. 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 8. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall no affect the validity of the remaining portions which shall remain in full effect.

Section 9. The City Council finds and determines that the existing zoning for the CBD is inadequate and contrary to public interest and that the proposed CBD zoning will implement the policies presented in the General Plan and create certainty for the developers and the public regarding the City's expectations for new development.

Section 10. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all relevant plans and maps;
3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City;
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

Section 11. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City's decision is based are respectively: (a) the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

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

DATE OF ATTESTATION: _____

MPW

EXHIBIT A: AMENDMENTS TO THE PLANNING CODE

The following are proposed text changes to the Planning Code. Additions to the code are underlined; deletions are in ~~strikeout~~. Changes made at or since the April 15, 2009 Planning Commission meeting are in *italic and bold*.

Title 17

PLANNING

Chapters:

- 17.01 **General Provisions of Planning Code and General Plan Conformity**
- 17.03 **City Planning Commission**
- 17.05 **Landmarks Preservation Advisory Board**
- 17.07 **Title, Purpose and Scope of the Zoning Regulations**
- 17.09 **Definitions**
- 17.10 **Use Classifications**
- 17.11 **OS Open Space Zoning Regulations**
- 17.11A ***R-1 One Acre Estate Residential Zone Regulations***
- 17.12 **R-10 Estate Residential Zone Regulations**
- 17.14 **R-20 Low Density Residential Zone Regulations**
- 17.16 **R-30 One-Family Residential Zone Regulations**
- 17.18 **R-35 Special One-Family Residential Zone Regulations**
- 17.20 **R-36 Small Lot Residential Zone Regulations**
- 17.22 **R-40 Garden Apartment Residential Zone Regulations**
- 17.24 **R-50 Medium Density Residential Zone Regulations**
- 17.26 **R-60 Medium-High Density Residential Zone Regulations**
- 17.28 **R-70 High Density Residential Zone Regulations**
- 17.30 **R-80 High-Rise Apartment Residential Zone Regulations**
- 17.34 **C-5 Neighborhood Commercial Zone Regulations**
- 17.36 **C-10 Local Retail Commercial Zone Regulations**
- 17.38 **C-20 Shopping Center**
- 17.40 **C-25 Office Commercial Zone Regulations**
- 17.42 **C-27 Village Commercial Zone Regulations**
- 17.44 **C-28 Commercial Shopping District Zone Regulations**
- 17.46 **C-30 District Thoroughfare Commercial Zone Regulations**
- 17.48 **C-31 Special Retail Commercial Zone Regulations**
- 17.50 **C-35 District Shopping Commercial Zone Regulations**
- 17.52 **C-36 Gateway Boulevard Service Commercial Zone Regulations**
- 17.54 **C-40 Community Thoroughfare Commercial Zone Regulations**
- 17.56 **C-45 Community Shopping Commercial Regulations**
- 17.58 **Central Business District Zones Regulations**
- 17.64 **C-60 City Service Commercial Zone Regulations**

- 17.65 HBX Housing and Business Mix Commercial Zone Regulations
- 17.66 M-10 Special Industrial Zone Regulations
- 17.68 M-20 Light Industrial Zone Regulations
- 17.70 M-30 General Industrial Zone Regulations
- 17.72 M-40 Heavy Industrial Zone Regulations
- 17.73 CIX-1, CIX-2, IG and IO Industrial Zones
- 17.74 S-1 Medical Center Zone Regulations
- 17.76 S-2 Civic Center Zone Regulations
- 17.80 S-4 Design Review Combining Zone Regulations
- 17.81 S-5 Broadway Retail Frontage Interim Combining Zone Regulations
- 17.82 S-6 Mobile Home Combining Zone Regulations
- 17.84 S-7 Preservation Combining Zone Regulations
- 17.86 S-8 Urban Street Combining Zone Regulations
- 17.88 S-9 Retail Frontage Combining Zone Regulations
- 17.90 S-10 Scenic Route Combining Zone Regulations
- 17.92 S-11 Site Development and Design Review Combining Zone Regulations
- 17.94 S-12 Residential Parking Combining Zone Regulations
- 17.96 S-13 Mixed-Use Development Combining Zone Regulations
- 17.97 S-15 Transit Oriented Development Zone Regulations
- 17.98 S-16 Industrial-Residential Transition Combining Zone Regulations
- 17.99 S-17 Downtown Residential Open Space Combining Zone Regulations
- 17.100A S-19 Health and Safety Protection Overlay Zone
- 17.100B S-20 Historic Preservation District Combining Zone Regulations
- 17.102 General Regulations Applicable to All or Several Zones
- 17.104 General Limitations on Signs
- 17.106 General Lot, Density, and Area Regulations
- 17.107 Density Bonus and Incentive Procedure
- 17.108 General Height, Yard, Court, and Fence Regulations
- 17.110 Buffering Regulations
- 17.112 Home Occupation Regulations
- 17.114 Nonconforming Uses
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Chapter 17.09

DEFINITIONS

17.09.040 Definitions.

“Access facility width” means the width of the paved roadway surface curb-to-curb or edge-to-edge, exclusive of shoulders.

“Accessory activity” means an activity which is incidental to, and customarily associated with, a specified principal activity, and which meets the applicable conditions set forth in Section 17.10.040.

“Accessory facility” means a facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable conditions set forth in Section 17.10.070.

“Accessory structure” means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code.

“Activity” means the performance of a function or operation.

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

“Adult entertainment activity” means any commercial activity, whether conducted intermittently or full-time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by emphasis on male or female genitals, buttocks, or female breasts.

“Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, or any liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

“Alcoholic beverage license overconcentrated areas” means a police beat with crime rates that exceed the city median by twenty (20) percent or more or a census tract in which the per capita number of on-sale or off-sale retail Alcoholic Beverage Sales licenses exceeds the Alameda County median.

“Alley” means a dedicated public way intended primarily to provide secondary vehicular access to abutting properties.

“Alteration” means any enlargement; addition; demolition; removal; relocation; repair; remodeling; change in number of living units; development of or change in an open area; development of or change in a Sign, by painting or otherwise; or other change in a facility, but excluding painting except as provided above for Signs, and ordinary maintenance for which no building permit is required, and demolition or removal.

“Ambient noise level” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the *ambient noise level constitutes the normal or existing level of environmental noise at a given location.*

“A’ weighted sound level” means the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micropascals using the ‘A’ weighted network (scale) at slow response. The unit of measurement shall be defined as dBA or dB(a).

“Area Damaged by the 1991 Firestorm” means all of that area situated: beginning at the intersection of Claremont Avenue and the westerly line of the University of California, Berkeley campus, thence southerly along said westerly property line of the University of California campus to Grizzly Peak Boulevard; thence southeasterly on Grizzly Peak Boulevard to the most westerly line of the Robert Sibley Volcanic Regional Preserve; thence due south to Skyline Boulevard; thence westerly on Skyline Boulevard to Broadway Terrace; thence southwest on Broadway Terrace to Farallon Way; thence southwest on Farallon Way and the extension of Farallon Way to Pinehaven Road; thence westerly on Pinehaven Road to Broadway Terrace; thence southerly on Broadway Terrace to Uranus Avenue; thence east on Uranus Avenue to Sherwood Drive; thence south on Sherwood Drive to Taurus Avenue; thence west on Taurus Avenue approximately six hundred fifty (650) feet to a path connecting Taurus Avenue and Capricorn Avenue; thence south along said path to Capricorn Avenue; thence south on Capricorn Avenue to Florence Terrace; thence north and west on Florence Terrace and an extension of Florence Terrace across Highway 13 to Estates Drive; thence west on Estates Drive to Masonic Avenue; thence south on Masonic Avenue to Amy Drive; thence southwest on Amy Drive to Harbord Drive; thence southeast on Harbord Drive to Maxwelton Road; thence southwest on Maxwelton Road to the Oakland-Piedmont border; thence northwest along said Oakland-Piedmont border to Clarewood Drive; thence northwest on Clarewood Drive to Broadway Terrace; thence west on Broadway Terrace to Margarido Drive; thence north and east on Margarido Drive to Rockridge Boulevard South; thence west on Rockridge Boulevard South to Rockridge Boulevard; thence west on Rockridge Boulevard to Broadway; thence north on Broadway to Golden Gate Avenue; thence north on Golden Gate Avenue to Chabot Road; thence along the extension of Golden Gate Avenue to the Oakland-Berkeley border; thence along said Oakland-Berkeley border to the intersection of said Oakland-Berkeley border with Claremont Avenue; thence northeast on Claremont Avenue to the point of beginning.

“Area of Primary Importance” or “API” means an area as defined by the Historic Preservation Element of the General Plan.

“Area of Secondary Importance” or “ASI” means an area as defined by the Historic Preservation Element of the General Plan.

“Attic” means a space between the roof framing and the floor of such space and which is excluded from the definition of “story.”

“Base of a building” or “building base” means that portion of a building immediately above finished grade to the maximum total base height as described in an individual zoning designation.

“Basement” means the area below the lowest level of a building and which is excluded from the definition of “story.”

“Bedroom” means any habitable room, regardless of its designation on building plans, which meets both of the following criteria:

1. The room may legally function as a bedroom in that it complies with, or is required by the Building Official to comply with, all applicable laws and regulations pertaining to sleeping rooms, including, but not limited to, the requirements of the Oakland Building Code for light and ventilation in habitable rooms and emergency egress from sleeping rooms; and the Oakland Housing Code definition of “sleeping room.”

2. The room may logically function as a bedroom, with consideration given to its function and physical relationship to the remainder of the living unit.

“Berth” means an area, exclusive of docks, designated to accommodate a motor vehicle during loading or unloading of goods.

“Buildable area” means the portions of a lot on which a building can be located as per the provisions of this code.

“Building” means a structure having a roof supported by columns or walls.

“Building Facility” means any structure, open area, or object which accommodates or is intended to accommodate Residential, Civic, Commercial, Industrial and/or Mixed Use Activities. Building Facilities also include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to Residential, Civic, Commercial, Industrial and/or Mixed Use Activities.

“Building Front” see front of building.

“Buildable envelope” means the volume of space for buildings and other structures as defined by the minimum setbacks, and the maximum allowable height.

“Building length” means a plan dimension of a building as measured on any building elevation.

“Character-defining elements” means those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.

“Collective household” means a group of at least two, but not more than five, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

“Commercial zone” means any zone with a name that ends with the words “Commercial Zone Regulations.”

“Common driveway” means a driveway having a width of no less than twelve (12) feet and providing a shared access alternative to, and across existing legal lots which have street frontage, regardless of lot ownership. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the common driveway may be located within the public right-of-way. In calculating aggregate residential density, the area of the common driveway shall be excluded from the total area of the lots crossed by the common driveway.

“Corner lot” (see illustration I-1) means a lot bounded on two or more adjacent sides by streets, by private ways described in Section 17.106.020, or by portions of such streets or ways, having an angle of intersection of one hundred thirty-five (135) degrees or less.

“Court” means an area between two walls on the same lot, measured for a specified distance, in a horizontal plane, perpendicularly from either of such walls; located on the same lot as said walls; and open and unobstructed except for the facilities allowed therein by Section 17.108.130.

“Day” means calendar day.

“Decibel (dB)” means a unit for measuring the amplitude of sounds, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

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

“Designated Historic Properties” means landmarks, contributors or potential contributors to Preservation Districts, or Heritage Properties.

“Designated landmark” means a facility, portion thereof, or group of facilities which has a special character, interest, or value and which has been established as a landmark pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144.

“Designated landmark site” means a lot or other site which contains a designated landmark and which has been established pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144.

“Development control map” means a map or set of maps, with supporting text, regulating the precise location, height, bulk, design, or nature of activities or facilities.

“Display surface (area of)” means the area of the smallest plane figure which can be made to include all of the idea, advertisement, identification, or information intended to be conveyed by a Sign, including any trim or other material or color forming an integral part of the display or used to differentiate the Sign from the background against which it is placed, but excluding uprights or other structural members which are not a part of the display. With respect to multifaced Signs, the area of all such faces shall be included except where the context refers to only one face.

“Diagonal length” means a plan dimension between two points on the exterior walls at a given height of a building or structure.

“Dormer” (see illustration I-0) means a roofed structure projecting from a sloping roof and containing a window or ventilating louver.

“Driveway” means the way or means of vehicular access from that portion of a street used for vehicular travel to the parking, loading, or other vehicular activity on the adjacent property, including the portion of the sidewalk lying within said way or means of access. (Note that this differs from the definition of “Driveway” at Section 12.04.240 of the Oakland Municipal Code, which only includes that portion lying within the street right-of-way.)

“Dwelling unit” means a room or suite of rooms including one and only one kitchen, except as otherwise provided in Section 17.102.270, and designed or occupied as separate living quarters for one of the persons or groups specified in Section 17.102.260.

“Earthen berm” means a mound or embankment of earth, together with necessary retaining structures.

“Edge of the pavement” means the edge of that part of a street, alley or private way described in Section 17.106.020 having an improved surface used for vehicle travel and parking, including gutters, but not including a raised curb or sidewalk.

“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.

“Electroplating activity” means the electrochemical process of depositing a thin metallic coating of one metal on top of a different metal by passing an electrical current into a piece of metal immersed in chemical solutions comprised of caustics, acids, cyanides or other bonding chemicals, and causing a metallic coating to bond with the object to be plated. Such activities are classified as General Manufacturing Industrial Activities and are subject to the provisions of Section 17.102.340.

“Enclosed retaining wall” means a retaining wall located on a lot such that it is visually shielded by other permanent structures and cannot be seen from public streets and adjacent lots.

“Existing grade” means the natural grade or the revised grade due to prior development of a lot.

“Facility” means a structure, open area, or other physical contrivance or object.

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

“Family” means one person, or a group of people living together as a single housekeeping unit, together with incidental domestic servants and temporary nonpaying guests.

“Family foster care home” means a residential activity providing twenty-four (24) hour care for six or fewer foster children in a residential facility that is the residence of the foster parents, including their family, in whose care the foster children have been placed.

“Finished grade” means:

1. *Natural grade exterior to all buildings or structures created by any proposed development in all those situations not covered by subsection 2 of this definition;*
2. *A revised grade exterior to all buildings or structures created by any proposed development where the revised grade is achieved under a city grading permit, subdivision approval, or conditional use permit or other special zoning approval, or through officially approved work in a public right-of-way.*

“Flashing illumination (of a Sign)” means illumination of a Sign wherein such illumination is not maintained constant in intensity, color, and pattern during all times the Sign is activated.

“Floor Area”

1. **“Floor area,”** for all projects except those with one or two dwelling units on a lot, means the total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portion thereof without walls, but excluding the following:

a. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto;

b. Areas which qualify as usable open space under the standards for required usable open space in Chapter 17.126;

c. In the case of Nonresidential Facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

2. **“Floor area,”** (see illustration I-2b) for all projects with one or two dwelling units on a lot, means the total square footage of all levels of all buildings on the lot. Levels shall be measured horizontally from the outside surface of exterior walls and supporting columns. The amount of floor area in each building shall be determined by the following criteria:

a. Floor area shall include all enclosed shafts, including stairwells, ventilation shafts and similar vertical shafts; the floor area of such shafts shall consist of the horizontal projection into the shaft of surrounding floor area; and

b. Floor area shall not include:

i. Unenclosed living areas such as balconies, decks and porches;

ii. Carports that are unenclosed on two or more sides;

iii. Up to four hundred forty (440) square feet within an attached or detached garage or carport that is enclosed on three or more sides;

iv. Nonhabitable accessory structures not requiring a building permit of less than one hundred twenty (120) square feet;

v. Unfinished understories, attics and basements; and

vi. Finished basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point.

“Floorplate” means the total area of a single floor of a building.

___ **“Floor Area of a marina”** means the space dedicated to the docking or mooring of marine vessels.

“Floor-area ratio” (see illustration I-3) means the number resulting from division of the floor area on a lot by the lot area.

“Footprint” means the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures, except that the following shall not be considered in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than thirty (30) inches above finished grade;
2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;
3. Eaves and roof overhangs; and
4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition.

“Frequency” means the number of oscillations per second, or pitch, of a sound, with a greater frequency corresponding to a higher pitch.

“Frontage” means a front lot line; also the length thereof.

“Front of building” or “building front” means that part of the façade oriented towards and visually prominent to the principal street.

“Front lot line” (see illustration I-2) means:

1. On an interior lot: any abutting street line, except where an interior lot has more than one abutting street line, the Director of City Planning shall select one of the street lines as the front lot line; such selection shall conform with any neighborhood patterns.
2. On a corner lot: the shorter of any adjacent two abutting street lines, or portions thereof, which intersect at an angle of not less than forty-five (45) degrees but not more than one hundred thirty-five (135) degrees; except that the Director of City Planning may select either as the front lot line to conform with any neighborhood patterns. If adjacent street lines, or portions thereof, of a corner lot intersect at an angle of less than forty-five (45) degrees, both such street lines or portions thereof shall be deemed front lot lines.

“Front yard” (see illustration I-2) means a yard measured into a lot from its front lot line or lines. Except where a front yard is prescribed only for certain kinds of facilities, a required front yard shall extend the full width of the lot between its side lot lines.

“Front setback” or “Front yard setback” means the setback from the front lot line.

___ **“Full-service restaurant”** means a place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant.

“Gable end” (see illustration I-0) means the end of a gable, gambrel, gabled, jerkinhead, shed, or similar roof consisting of a generally triangular shaped wall or vertical plane at the end of the roof and inscribed by the edges of the roof planes and a line connecting the bases of the roof planes.

“Gradient” means the difference in elevation between defined reference points divided by the horizontal distance between these points.

“Habitable room” means a space in a living unit intended for living, sleeping, eating, or cooking, including, but not limited to, living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, finished recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are bathrooms, water closets, hallways, foyers, storage closets, pantries, laundries, utility rooms, unfinished attics and basements, balconies, open porches, garages, and other unfinished spaces used for storage. See Section 17.102.280 for rules for determining the number of habitable rooms in a Residential Facility.

“Height” (see illustration I-2a) means the vertical distance of any structure, building, fence, Sign, retaining wall or other wall or hedge, or other facility measured from any point on top of the facility to a line directly below which connects and is perpendicular to the opposite perimeter walls, or other perimeter support systems, at finished grade on the outside of these walls or support systems. If any portion of a facility lies within ten feet of a retaining wall, the facility’s height shall be measured from finished grade at the perimeter of the facility or at the base of the retaining wall, whichever is lower.

“High density zones” means the R-60 through and including the R-80 zones and the CBD-R zone.

“Home occupation” means an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefor, by an occupant of the living unit and which is customarily incidental to the residential use of the living unit.

“Hotel” means a facility, other than a motel, designed for or occupied by Transient Habitation Commercial Activities, where access to individual units is predominantly by means of common interior hallways.

“Illegal use” means an activity or facility that does not enjoy a legal conforming or legal nonconforming status, as defined in the zoning regulations. A minor illegal use is an illegal use that can be legalized by any means other than by major variance.

“Improvement.” For the purposes of implementation of the recycling space allocation requirements an “improvement” shall be defined as one which adds to the value of a facility, prolongs its useful life, or adapts it to new uses. “Improvements” should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

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

“Indirect illumination (of a Sign)” means illumination of a Sign by means only of light cast upon it from a concealed source outside the Sign itself.

“Industrial zone” means any zone with a name that ends with the words “Industrial Zone Regulations.”

“Interior lot” (see illustration I-1) means any lot other than a corner lot.

“Interior side lot line” means any side lot line which is not a street line.

“Interior side setback” or “Interior side yard setback” means the setback from the interior side lot line.

“Introductory service” means an activity the primary purpose of which is, for compensation, promoting friendships between or introducing for social purposes persons of the opposite sex.

“Key lot” (see illustration I-1) means the first interior lot to the rear of a reversed corner lot, with its front lot line being substantially a continuation of a side lot line of the reversed corner lot.

“Kitchen” means any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, or hotplates.

“Legally required window” means a window or portion thereof which serves to meet the requirements of the Oakland Housing Code with respect to area, number, or location of windows.

“Living room” means the principal room designed for general living purposes in living unit. Every living unit shall be deemed to have a living room.

“Living unit” means a dwelling unit or a rooming unit.

“Local Register Property” means any building, object, property or district listed in the City of Oakland’s Local Register of Historical Resources, which includes all Landmarks, Designated Historic Properties, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties; and those Potential Designated Historic Properties (PDHPs) that are determined by the City’s Cultural Heritage Survey to have an existing rating of “A” or “B”, or to contribute or potentially contribute to an Area of Primary Importance (API).

“Landmark” means a property that has been designated as a Landmark by the City Council pursuant to Section 17.136.070.

“Lot” means a parcel of contiguous land which is or may be developed or utilized, under one ownership, as a unit site for a use or group of uses.

“Lot area” means the area of a lot measured horizontally between bounding lot lines.

“Lot coverage” means the total land area covered by all of the structures on a lot measured from outside of all exterior walls and supporting columns, including all projections, except that the following shall not be considered in determining lot coverage:

1. The portions of any uncovered and unenclosed decks, porches, landings or patios; not including railings which are less than thirty (30) inches above finished grade;
2. The portions of any uncovered and unenclosed balconies and stairways, including railings which are less than six (6) feet above finished grade;
3. Eaves and roof overhangs up to four (4) feet from a wall;
4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition; and
5. Nonhabitable accessory structures of less than one hundred twenty (120) square feet.

“Lot depth” (see illustration I-4) means the horizontal distance between the rear lot line, or some other lot line in cases where there is no rear lot line, and the midpoint of the front lot line, measured back from said midpoint in the mean direction of the side lot lines; also the line so described.

“Lot line” means any boundary of a lot.

“Lot width” is the horizontal distances between the side lot lines measured at right angles to the side lot lines at all points between the front lot line and the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

“Lot width mean” (see illustration I-4) is the mean of the horizontal distances between the side lot lines measured at right angles to the lot depth at points distant thereon twenty (20) feet from the front lot line and twenty (20) feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.

“Low density zones” means the R-1 through and including the R-35 zones.

“Major conditional use permit” means a conditional use permit which involves any of the purposes listed in Section 17.134.020A.

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

“Medium density zones” means the R-40 through and including the R-50 zones.

“Mini-lot development” means a comprehensively designed development containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

“Minor conditional use permit” means a conditional use permit which does not involve any of the purposes listed in Section 17.134.020A.

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

“Mixed use development” means an integrated development containing residential, commercial and/or industrial activities and adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or which may be contained in a single building.

“Motel” means a facility designed for or occupied by Transient Habitation Commercial Activities, where access to individual units is predominantly by means of common exterior corridors or where off-street parking is in sufficiently close proximity to the units as to facilitate direct baggage handling by guests.

“Moving (of a Sign)” means rotation or any other movement of any portion of a Sign, except for normal movement of hands on a clock.

“Natural grade” means the surface of the ground prior to grading for development.

“Nonconforming activity” means an activity which, under the zoning regulations, is not itself a permitted activity where it is located or does not conform to the off-street parking or loading requirements, performance standards, or other requirements applying to activities. However, an activity of the character described above shall not be deemed a nonconforming activity to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

“Nonconforming facility” means a facility which, under the zoning regulations, is not itself a permitted facility where it is located or does not conform to the density, floor-area ratio, height, yard, court, landscaping or screening, or usable open space requirements; limitations on Signs; or other requirements applying to facilities. However, a facility of the character described above shall not be deemed a nonconforming facility to the extent that it has been or is hereafter authorized by a subsisting conditional use permit, variance, or other special zoning approval.

“Nonconforming use” means a nonconforming activity or a nonconforming facility.

“Non-taxable merchandise” means products, commodities, or items not subject to California state sales tax.

“Oakland Hills Fire” means the fire of October 20, 1991 in the hill area of the city of Oakland, which is the subject of local, state and federal emergency declarations and disaster proclamations. Said term includes the words “the fire.”

“Path” means a dedicated public way intended for pedestrian movement.

“Paved surface” means a nonpermeable, all-weather surface covered by concrete, asphalt, masonry, or a similar material and includes surfaces used for driveways, walkways, patios, and structures.

“Pawnbroking activity” means a commercial activity which features both the making of loans and the holding of jewelry, clothing, or other articles as security therefor and which is conducted by a pawnbroker as defined in the Oakland Municipal Code.

“Performance standards” means regulations prescribed in the performance standards in Chapter 17.120 with respect to the emission by activities of noise, vibration, smoke, and other dangerous or objectionable matter or phenomena.

“Pitched roof” means any roof with one or more non-horizontal planes with each plane pitched at a vertical to horizontal ratio of no less than one to three (1:3).

“Planned unit development” means a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way.

“Planning official” means the Planning Official, or his or her designee.

“Poolroom activity” means the commercial operation of a public pool- or billiard room which has more than one pool table or billiard table.

“Potential Designated Historic Property” means any building or property that is determined by the City’s Cultural Heritage Survey to have an existing or contingency rating of “A”, “B”, or “C”, or to contribute or potentially contribute to an Area of Primary Importance (API) or an Area of Secondary Importance (ASI).

“Preservation District” means an area that has been included in the City’s S-7 Preservation Combining Zone or the S-20 Historic Preservation District Combining Zone.

“Primary activity” means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

“Primary facility” means a main building or other facility which is designed for or occupied by a primary activity.

“Principal activity” means an activity which fulfills a primary function of an establishment, institution, household, or other entity.

“Principal building” means a main building that is occupied a principal activity.

“Principal facility” means a main building or other facility which is designed for or occupied by a principal activity.

“Principal street” means on interior lots, the street that abuts a lot. On corner lots, the principal street is the street that abuts the lot that is highest on the street hierarchy as defined in the Land Use and Transportation Element of the General Plan. Where streets have the same street hierarchy, the principal street shall be determined by the Zoning Administrator based on the street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and control of intersections.

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

“Public facility” means and includes, but is not limited to, buildings, structures, marinas, and outdoor recreation areas owned by a local agency, as defined by the California State Government Code.

“Rapid transit” means a system of high-speed mass transit operating on exclusive rights-of-way, including but not limited to the Bay Area Rapid Transit system.

“Rear lot line” (see illustration I-2) means the lot line which is opposite and most distant from the front lot line, and which is parallel to the front lot line or, if extended, would intersect with it at an angle of less than forty-five (45) degrees.

“Rear setback” or “Rear yard setback” means the setback from the rear lot line.

“Rear yard” (see illustration I-2) means a yard measured into a lot from its rear lot line, provided that in cases where there is no rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth, parallel to said lot depth. Except where a rear yard is prescribed only for certain kinds of facilities or along only a portion of a lot line, a required rear yard shall extend the full width of the lot between its side lot lines.

“Recyclable materials” means residential, commercial and industrial materials or by-products, which are set aside, handled, packaged or offered for collection separate from garbage for the purpose of being processed and then returned to the economic mainstream in the form of commodities or products.

“Recycling area” means space allocated for collecting and loading recyclable materials. Such areas shall have the ability to accommodate receptacles for recycling materials.

“Recycling receptacles” means bins or containers that allow storage of recyclable materials.

“Regular dwelling unit” means any dwelling unit other than an efficiency dwelling unit.

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

“Residential zone” means any zone with a name that ends with the words “Residential Zone Regulations.”

“Reversed corner lot” (see illustration I-1) means a corner lot a side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

“Ringelmann number” means a number on the Ringelmann Chart, as standardized by the United States Bureau of Mines, used to measure the light-obscuring capacity of smoke, with a higher Ringelmann number corresponding to darker smoke.

“Rooming unit” means a room or suite of rooms, not including a kitchen, designed or occupied as separate living quarters, with or without common boarding provisions, but excluding such rooms where they accommodate a total of three or fewer paying guests within a One-Family Dwelling Residential Facility through the main portion of which access may be had to all such rooms; provided that in the case of student dormitories and similar group living arrangements, each two beds shall be deemed a rooming unit.

“Safety rail” means a guard rail, safety barrier, protective railing, or combination thereof.

“Sales Floor Area” means interior building space devoted to the sale of merchandise, but excludes restrooms, office space, storage space, automobile service areas, or open-air garden sales space. For the purpose of determining the total sales floor area of a single business establishment, the aggregate square footage of all adjacent stores that share common check stands, management, a controlling ownership interest, warehouses, or distribution facilities shall be considered a single business establishment.

“Secondary unit” means a subordinate dwelling unit that is located on the same lot as a larger primary dwelling unit, is either attached or detached, and meets the standards and criteria of Section 17.102.360.

“Secondhand merchandise activity” means any commercial activity which consists primarily of retail sale or rental from the premises of secondhand goods, other than secondhand jewelry, art objects, coins, stamps, motor vehicles, aircraft parts, or scrap.

“Setback” means the horizontal distance between a facility and the lot lines of the lot on which it is located.

“Setback line” (see illustration I-2) means a line located inside the boundaries of a lot and parallel to a front, side, or rear lot line and set back from the front, side, or rear lot line a distance equal to the depth of the required front, side, or rear yard.

“Shared access facility” means a common driveway as defined in this section or a private access easement as defined in this section.

“Side lot line” (see illustration I-2) means any lot line which is not a front lot line or a rear lot line.

“Side yard” (see illustration I-2) means a yard measured into a lot from one or more of its side lot lines. Except where a side yard is prescribed only for certain kinds of facilities or along only a portion of a side lot line, a required side yard shall extend between the required front yard and rear yard, or the front or rear lot lines in cases where no front yard or rear yard is required.

“Single housekeeping unit” means one or more people living together as a relatively permanent household and bearing the character of a generic family such as sharing household activities, expenses, experiences, and responsibilities.

“Slope” means the deviation of a surface from the horizontal, expressed as a percentage.

“Slope, Down” (Downslope) means a downhill angle or slant of a surface in relation to the elevation of the abutting street line.

“Slope, Up” (Upslope) means an uphill angle or slant of a surface in relation to the elevation of the abutting street line.

“Sound pressure level” means the level of intensity of a sound.

“Special zone” means any zone the name of which begins with the letter “S.”

“Story” means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

1. A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point;

2. An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such space.

“Street” means a dedicated public way, other than an alley or path, having a right-of-way not less than forty (40) feet in width, which is intended to afford the principal means of vehicular access to abutting properties, provided that any such way which was of record on October 6, 1953 shall be deemed a street regardless of width.

“Street line” means a lot line dividing a lot from an abutting street, or private way described in Section 17.106.020.

“Street side (of a corner lot)” means the side of a corner lot along any side lot line thereof which is a street line.

“Street side setback” or “Street side yard setback” means the setback from the street side lot line.

“Street to setback gradient” means the existing gradient measured from the edge of the sidewalk closest to the front lot line, or, if there is no sidewalk, from the edge of the pavement to the front setback line, notwithstanding any reduced front yard setback that may be permitted on steep slopes as provided in Section 17.108.050. The measurement shall be taken at the midpoint of the front lot line and perpendicular to the edge of the sidewalk or, if there is no sidewalk, to the edge of the pavement.

“Structure” means any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.

“Substitution (of activities)” means the replacement of an existing activity by a new activity, or a change in the nature of an existing activity, but not including a change of ownership, tenancy, or management where the previous line of business or other function is substantially unchanged.

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

“Through lot” means a lot that is bounded on two opposite sides by generally parallel streets. Any lot that meets the definition of both a through lot and a corner lot shall be deemed to be a corner lot.

“Tobacco oriented activities” are defined as activities either devoting twenty (20) percent or more of floor area or display area to or deriving seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco-related products.

“Tobacco-related products” are defined as any substance containing tobacco including but not limited to cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco.

“Tower” means any building area constructed over the building base.

“Upper story” means either:

1. Any story located above the bottommost story of a building; or
2. Any story with finished floor located at least twelve (12) feet above finished grade at any point along the building perimeter.

“Use” means an activity or a facility.

“Working day” means a day when city offices are open for conducting of city business.

“Yard” means an area between a facility and some lot line, measured for a specified distance, in a horizontal plane, perpendicularly between such facility and lot line; located on the same lot as said facility; and open and unobstructed except for the facilities allowed therein by Section 17.108.130.

(Ord. 12675 § 3 (part), 2005; Ord. 12547 § 3 (part), 2003; Ord. 12376 § 3 (part), 2001; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 3 (part), 2000; Ord. 12147 § 3 (part), 1999; Ord. 12138 § 4 (part), 1999; Ord. 12054 § 1(c), 1998; Ord. 11895 §§ 3--5, 1996; Ord. 11831 § 2, 1995; Ord. 11807 § 2, 1995; prior planning code §§ 2110--2130)

~~Chapter 17.32~~

~~R-90 DOWNTOWN APARTMENT RESIDENTIAL ZONE REGULATIONS~~

~~Sections:~~

- ~~17.32.010 Title, purpose, and applicability.~~
- ~~17.32.040 Required design review process.~~
- ~~17.32.050 Permitted activities.~~
- ~~17.32.060 Conditionally permitted activities.~~
- ~~17.32.070 Permitted facilities.~~
- ~~17.32.080 Conditionally permitted facilities.~~
- ~~17.32.090 Special regulations applying to certain Commercial Activities.~~
- ~~17.32.100 Performance standards for Commercial Activities.~~
- ~~17.32.110 Use permit criteria for Commercial Activities.~~
- ~~17.32.120 Limitations on Signs.~~
- ~~17.32.130 Minimum lot area, width, and frontage.~~
- ~~17.32.140 Maximum residential density.~~
- ~~17.32.150 Maximum floor-area ratio.~~
- ~~17.32.160 Maximum height.~~
- ~~17.32.170 Minimum yards and courts.~~
- ~~17.32.180 Minimum usable open space.~~
- ~~17.32.190 Buffering.~~
- ~~17.32.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~
- ~~17.32.210 Other zoning provisions.~~

~~17.32.010 Title, purpose, and applicability.~~

~~—The provisions of this chapter, shall be known as the R-90 downtown apartment residential zone regulations. The R-90 zone is intended to create, preserve, and enhance areas for high-rise apartment living at very high densities in desirable settings, and is typically appropriate to areas within, or in close proximity to, the Oakland central district. These regulations shall apply in the R-90 zone.
(Prior planning code § 3900)~~

~~17.32.040 Required design review process.~~

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

~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 3902.1)~~

~~17.32.050 Permitted activities.~~

~~—The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~

~~_____ Permanent~~

~~_____ Residential Care occupying a One-Family Dwelling Residential Facility~~

~~_____ Semi-Transient~~

~~B. Civic Activities:~~

~~_____ Essential Service~~

- ~~_____ Limited Child Care~~
 - ~~_____ Community Assembly~~
 - ~~_____ Community Education~~
 - ~~_____ Nonassembly Cultural~~
 - ~~_____ Telecommunications~~
- (Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.08 (part), 1996; prior planning code § 3903)

17.32.060 Conditionally permitted activities.

~~_____ The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~_____ A. Residential Activities:~~

- ~~_____ Residential Care, except when occupying a One Family Dwelling Residential Facility~~
- ~~_____ Service Enriched Permanent Housing~~
- ~~_____ Transitional Housing~~
- ~~_____ Emergency Shelter~~

~~_____ B. Civic Activities:~~

- ~~_____ Administrative~~
- ~~_____ Health Care~~
- ~~_____ Utility and Vehicular~~
- ~~_____ Extensive Impact~~

~~_____ C. Commercial Activities:~~

- ~~_____ General Food Sales~~
- ~~_____ Convenience Market~~
- ~~_____ Alcoholic Beverage Sales~~
- ~~_____ Convenience Sales and Service~~
- ~~_____ Medical Service~~
- ~~_____ Consultative and Financial Service, but limited to the provision of advice, designs, information, or consultation of a professional nature~~

~~_____ D. Agricultural and Extractive Activities:~~

- ~~_____ Crop and Animal Raising~~

~~_____ E. Off street parking serving activities other than those listed above or in Section 17.32.050, subject to the conditions set forth in Section 17.102.100.~~

~~_____ F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110.~~

(Ord. 12138 § 5 (part), 1999; prior planning code § 3904)

17.32.070 Permitted facilities.

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

~~_____ A. Residential Facilities:~~

- ~~_____ One Family Dwelling~~
- ~~_____ One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
- ~~_____ Two Family Dwelling~~
- ~~_____ Multifamily Dwelling~~
- ~~_____ Rooming House~~

~~_____ B. Nonresidential Facilities:~~

- ~~_____ Enclosed~~
- ~~_____ Open~~

~~_____ C. Signs:~~

- ~~_____ Residential~~
- ~~_____ Special~~

~~Development~~
~~Realty~~
~~Civic~~

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128~~

~~Mini, except as provided in Chapter 17.128~~

~~(Ord. 12501 § 48, 2003; Ord. 11904 § 5.09 (part), 1996; prior planning code § 3905)~~

17.32.080 Conditionally permitted facilities.

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Macro~~

~~Monopole~~

~~(Ord. 11904 § 5.11 (part), 1996; prior planning code § 3906)~~

17.32.090 Special regulations applying to certain Commercial Activities.

~~All General Food Sales, Convenience Market, Alcoholic Beverage Sales, and Convenience Sales and Service Commercial Activities shall, except for off street parking and loading and maintenance of accessory landscaping and screening, be conducted entirely within enclosed portions of Multifamily Dwelling or Rooming House Residential Facilities, with customer access only through the lobby of such a facility. The maximum floor area devoted to such activities by any single establishment shall be one thousand five hundred (1,500) square feet. See also Section 17.102.210.~~

~~(Prior planning code § 3908)~~

17.32.100 Performance standards for Commercial Activities.

~~All Commercial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.~~

~~(Prior planning code § 3910)~~

17.32.110 Use permit criteria for Commercial Activities.

~~A conditional use permit for Consultative and Financial Service Commercial Activities may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to both of the following additional criteria:~~

~~A. That the proposal involves preservation of an existing building which is architecturally or culturally significant, or which will substantially contribute to the livability of abutting properties and the surrounding neighborhood by providing architectural variety, lower bulk and coverage than otherwise permitted, and a generous amount of open space and landscaping;~~

~~B. That the proposed activity will generate little or no vehicular and pedestrian traffic beyond that represented by persons working on the premises. See also Section 17.102.210.~~

~~(Prior planning code § 3911)~~

17.32.120 Limitations on Signs.

~~All Signs shall be subject to the applicable limitations set forth in Section 17.104.010.~~

~~(Prior planning code § 3913)~~

~~17.32.130 Minimum lot area, width, and frontage.~~

~~—Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 3914)~~

~~17.32.140 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 or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.~~

~~—A. Permitted Density. One regular dwelling unit is permitted for each 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. One efficiency dwelling unit is permitted for each one hundred (100) square feet of lot area, provided that one extra such unit is permitted if a remainder of seventy five (75) square feet or more is obtained after division of the lot area by one hundred (100) square feet. One rooming unit is permitted for each seventy five (75) square feet of lot area, provided that one extra such unit is permitted if a remainder of fifty (50) square feet or more is obtained after division of the lot area by seventy five (75) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One Family Dwelling or a One Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.~~

~~—B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.~~

~~(Ord. 12501 § 49, 2003; prior planning code § 3915)~~

~~17.32.150 Maximum floor area ratio.~~

~~—The maximum floor area ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor area ratio on lots containing both Residential and Nonresidential Facilities:~~

~~—A. Permitted Floor Area Ratio. The maximum permitted floor area ratio is 7.00, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten (10) percent on any lot which faces or abuts a public park at least as wide as the lot.~~

~~—B. Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.~~

~~(Prior planning code § 3917)~~

~~17.32.160 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 17.32.130 for maximum height of facilities within minimum yards and courts.

(Ord. 11904 § 5.22, 1996; prior planning code § 3919)

17.32.170 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 Section 17.108.130:

— A. Front Yard. The minimum front yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.050 on steep lots.

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

— C. Side Yard Street Side of Corner Lot. A side yard shall be provided on the street side of a corner lot when and as prescribed in Section 17.108.060.

— D. 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 or more living units.

— 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

— E. Rear Yard. The minimum rear yard depth on every lot shall be ten feet, except as a lesser depth is allowed by Section 17.108.110.

— F. Courts. On each lot containing Residential Facilities with a total of two or more living units, courts shall be provided when and as required by Section 17.108.120.

(Prior planning code § 3920)

17.32.180 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. 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.

(Prior planning code § 3921)

17.32.190 Buffering.

— All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.

(Prior planning code § 3922)

17.32.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.

— A. Mini Lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the R-90 zone may be waived or modified when and as prescribed in Section 17.102.320.

— B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-90 zone, and certain of the other regulations applying in said zone may be waived or modified.

~~C. Large Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.
(Prior planning code § 3923)~~

~~17.32.210 Other zoning provisions.~~

~~A. Parking and Loading. Off street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.~~

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

~~C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~

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

~~E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-90 zone.~~

~~F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in R-90 zone.~~

~~(Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 3924)~~

Chapter 17.58
CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

SECTIONS:

<u>17.58.010</u>	<u>Title, Purpose, and Applicability</u>
<u>17.58.020</u>	<u>Required Design Review Process</u>
<u>17.58.030</u>	<u>Conditional Use Permit for Large Projects</u>
<u>17.58.040</u>	<u>Permitted and Conditionally Permitted Activities</u>
<u>17.58.050</u>	<u>Permitted and Conditionally Permitted Facilities</u>
<u>17.58.060</u>	<u>Property Development Standards</u>
<u>17.58.070</u>	<u>Usable Open space standards</u>

17.58.010 Title, Purpose, and Applicability

A. Intent. The provisions of this Chapter shall be known as the Central Business District (CBD) regulations. The intent of the CBD regulations is to:

1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.
2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.
3. Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.
4. Encourage and enhance a pedestrian-oriented streetscape.
5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.
6. Preserve and enhance distinct neighborhoods in the Central Business District.

B. Description of zones. This Chapter establishes land use regulations for the following four zones:

1. CBD-R Central Business District Residential Zone. The intent of the CBD-R zone is to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses.
2. CBD-P Central Business District Pedestrian Retail Commercial Zone. The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.
3. CBD-C Central Business District General Commercial Zone. The intent of the CBD-C zone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.

4. CBD-X Central Business District Mixed Commercial Zone. The intent of the CBD-X zone is to designate areas of the Central Business District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activity.

17.58.020 Required Design Review Process

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

17.58.030 Conditional Use Permit for Large Projects

No development that involves more than ~~one~~ two-hundred thousand (~~100~~200,000) square feet of new floor area, or a new building or portion thereof of more than ~~one~~ hundred ~~twenty~~two-hundred and fifty (~~120~~250) feet in height, shall be permitted except upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the planned unit development procedure (See 17.140 for the PUD procedure).

17.58.040 Permitted and Conditionally Permitted Activities

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD-R, CBD-P, CBD-C and CBD-X zones. The descriptions of these activities are contained in Chapter 17.10.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.
- “L” designates activities subject to certain limitations or notes listed at the bottom of the Table.
- “..” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.58.01 Permitted and Conditionally Permitted Activities					
Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Activities					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2) 1	P	17.102.212
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2) 2)	C	17.102.212
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2) 2)	C	17.102.212
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	17.102.212
Semi-Transient	C	C(L1)	C(L1)	C	
Bcd and Breakfast	P	P	P	P	

Table 17.58.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Civic Activities					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	
Community Assembly	C	C(L6)	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	
Special Health Care	=	C(L6)	C	C	17.102.410
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
Commercial Activities					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Café	P(L4)(L7)	P	P	P	
Convenience Market	C(L7)	C	C	C	17.102.210
Fast-Food Restaurant	=	C	C	C	17.102.210 and 8.09
Alcoholic Beverage Sales	C(L7)	C	C	C	17.102.210 and 17.102.040
Mechanical or Electronic Games	=	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	
Large-Scale Combined Retail and Grocery Sales	=	=	=	=	
Consumer Service	P(L4)(L7)	P(L4)	P	P	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	=	C	C	C	17.102.430
Consumer Laundry and Repair Service	P(L4)(L7)	P(L5)	P	P	
Group Assembly	C(L7)	P(L4)	P	P	
Personal Instruction and Improvement	P(L4)(L7)	P(L5)	P	P	

Table 17.58.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<u>Services</u>					
<u>Administrative</u>	P(L4)(L7)	P(L5)	P	P	
<u>Business, Communication, and Media Services</u>	P(L4)(L7)	P(L5)	P	P	
<u>Broadcasting and Recording Services</u>	=	P(L5)	P	P(L4)	
<u>Commercial Activities</u>					
<u>Research Service</u>	P(L4)(L7)	P(L5)	P	P	
<u>General Wholesale Sales</u>	=	=	=	C	
<u>Transient Habitation</u>	C(L8)	C(L6)	P	C	17.102.370
<u>Wholesale and Professional Building Material Sales</u>	=	=	=	=	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	=	=	=	C	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	=	=	C(L9)	C(L9)	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	=	=	=	=	
<u>Taxi and Light Fleet-Based Services</u>	=	=	C(L9)	C(L9)	
<u>Automotive Fee Parking</u>	C(L10)	C(L10)	C(L10)	C(L10)	
<u>Animal Boarding</u>	=	=	=	=	
<u>Animal Care</u>	=	C(L6)(L11)	C(L11)	C(L11)	
<u>Undertaking Service</u>	=	=	C	C	
<u>Industrial Activities</u>					
<u>Custom Manufacturing</u>	--(L12L11)	--(L12L11)	= (L12L11) 1	C(L9)	17.102.040
<u>Light Manufacturing</u>	--(L12L11)	--(L12L11)	= (L12L11) 1	C(L9)	17.102.040
<u>General Manufacturing</u>	--(L12L11)	--(L12L11)	= (L12L11) 1	--(L12L11)	17.102.040
<u>Heavy/High Impact</u>	=	=	=	=	
<u>Research and Development</u>	=	=	--C(L9)	C(L9)	
<u>Construction Operations</u>	=	=	=	=	

Table 17.58.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<u>Warehousing, Storage, and Distribution</u>					
A. General Warehousing, Storage and Distribution	==	==	==	C(L9)	
B. General Outdoor Storage	==	==	==	==	
C. Self- or Mini Storage	==	==	==	==	
D. Container Storage	==	==	==	==	
E. Salvage/Junk Yards	==	==	==	==	
Regional Freight Transportation	==	==	==	==	
Trucking and Truck-Related	==	==	==	==	
<u>Recycling and Waste-Related</u>					
A. Satellite Recycling Collection Centers	==	==	C	C	17.10.040
B. Primary Recycling Collection Centers	==	==	==	==	
C. Intermediate Recycling Processing Facility	==	==	==	==	
Hazardous Materials Production, Storage, and Waste Management	==	==	==	==	
<u>Agriculture and Extractive Activities</u>					
Crop and animal raising	==	==	==	==	
Plant nursery	==	==	==	==	
Mining and Quarrying	==	==	==	==	
Accessory off-street parking serving prohibited activities	C	C	C	C	17.102.100
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	17.102.110

Limitations:

- L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.
- L2. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.
- L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities *on the ground floor* by any single establishment may only exceed

seven thousand-five hundred (7,500) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

- L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:
- a. The proposal will not impair a generally continuous wall of building facades;
 - b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - c. The proposal will not interfere with the movement of people along an important pedestrian street.
- L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in note L5, above.
- L7. These activities may only be located on or below the ground floor of a building *with the following exceptions:*
- a) *unless-if both* the floor area devoted to the activity is *less than 2,000 square feet or less* and the activity takes place in a Local Register property. *In this case, then* the activity is permitted *above the ground floor* upon the granting of a Conditional Use Permit (see 17.134 for the CUP process).
 - b) *An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.*
- L8. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.
- L9. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.
- L10. Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure that is at least three stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.
- ~~L11. Kennels are not permitted.~~
- L112. These activities are not allowed as a principal activity but are permitted as an accessory activity subject to the regulations contained in 17.10.040F.

17.58.050 Permitted and Conditionally Permitted Facilities

Table 17.58.02 lists the permitted, conditionally permitted, and prohibited facilities in the CBD-R, CBD-P, CBD-C, and CBD-X zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

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

“--” designates facilities that are prohibited

Table 17.58.02: Permitted and Conditionally Permitted Facilities					
Facilities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<u>Residential Facilities</u>					
<u>One-Family Dwellings</u>	P(L1)	--	--	--	
<u>One-Family Dwelling with Secondary Unit</u>	P	--	--	--	17.102.360
<u>Two-Family Dwelling</u>	P	--	--	--	
<u>Multifamily Dwelling</u>	P	P	P	P	
<u>Rooming House</u>	P	P	P	P	
<u>Mobile Home</u>	--	--	--	--	
<u>Nonresidential Facilities</u>					
<u>Enclosed Nonresidential</u>	P	P	P	P	
<u>Open Nonresidential</u>	C	C	C	C	
<u>Sidewalk Café</u>	P	P	P	P	17.102.335
<u>Drive-In Nonresidential</u>	--	--	--	C	
<u>Drive-Through Nonresidential</u>	--	--	--	C	
<u>Telecommunications Facilities</u>					
<u>Micro Telecommunications</u>	P	P	P	P	17.128
<u>Mini Telecommunications</u>	P	P	P	P	17.128
<u>Macro Telecommunications</u>	C	C	C	C	17.128
<u>Monopole Telecommunications</u>	C	C	C	C	17.128
<u>Tower Telecommunications</u>	--	--	--	--	17.128
<u>Sign Facilities</u>					
<u>Residential Signs</u>	P	P	P	P	17.104
<u>Special Signs</u>	P	P	P	P	17.104
<u>Development Signs</u>	P	P	P	P	17.104
<u>Realty Signs</u>	P	P	P	P	17.104
<u>Civic Signs</u>	P	P	P	P	17.104
<u>Business Signs</u>	P	P	P	P	17.104
<u>Advertising Signs</u>	--	--	--	--	17.104

Limitation:

L1. New construction of a One-Family Dwelling is not permitted.

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.

<u>Table 17.58.03: Property Development Standards</u>					
<u>Development Standards</u>	<u>Zones</u>				<u>Additional Regulations</u>
	<u>CBD-R</u>	<u>CBD-P</u>	<u>CBD-C</u>	<u>CBD-X</u>	
<u>Minimum Lot Dimensions</u>					
<u>Width</u>	<u>25 ft</u>	<u>25 ft</u>	<u>50 ft</u>	<u>50 ft</u>	<u>1</u>
<u>Frontage</u>	<u>25 ft</u>	<u>25 ft</u>	<u>50 ft</u>	<u>50 ft</u>	<u>1</u>
<u>Lot area</u>	<u>4,000 sf</u>	<u>4,000 sf</u>	<u>7,500 sf</u>	<u>7,500 sf</u>	<u>1</u>
<u>Minimum/Maximum Setbacks</u>					
<u>Minimum front</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>2</u>
<u>Maximum front and street side for the first story</u>	<u>None</u>	<u>5 ft</u>	<u>5 ft</u>	<u>10 ft</u>	<u>3</u>
<u>Maximum front and street side for the second and third stories or 35 ft, whatever is lower</u>	<u>None</u>	<u>5 ft</u>	<u>5 ft</u>	<u>None</u>	<u>3</u>
<u>Minimum interior side</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>4</u>
<u>Minimum corner side</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>5</u>
<u>Rear</u>	<u>10 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>6</u>
<u>Design Regulations</u>					
<u>Ground floor commercial façade transparency</u>	<u>50%</u>	<u>70%</u>	<u>60%</u>	<u>50%</u>	<u>7</u>
<u>Minimum height of the ground floor</u>	<u>12 15 ft</u>	<u>14 15 ft</u>	<u>14 15 ft</u>	<u>14 15 ft</u>	<u>8</u>
<u>Minimum separation between the grade and ground floor living space</u>	<u>2.5 ft</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>2.5 ft</u>	<u>9</u>

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty (50) percent or more of the frontage on the same block and side of the street is in a residential zone.
3. The following notes apply to the maximum yard requirements:

- a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. In the CBD-P, CBD-C, and CBD-X zones, these maximum yards apply to seventy-five (75) percent of the street frontage on the principal street and fifty (50) percent on other streets, if any. All percentages, however, may be reduced to fifty (50) percent upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.035, the proposal must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible sidewalk cafes and 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.
 - d. The maximum yard requirements above the ground floor may be waived upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in 17.134.050, the proposal must also meet each of the following criteria:
 - i. It infeasible to both accommodate the use proposed for the space and meet the maximum yard requirement;
 - ii. The proposal will not weaken the street definition provided by buildings with reduced setbacks; and
 - iii. The proposal will not interrupt a continuity of 2nd and 3rd story facades on the street that have minimal front yard setbacks.
4. In the CBD-R zone, portions of a building over fifty-five (55) feet in height shall have a setback of at least one (1) foot from the required interior side yard for every four (4) feet that portion is above fifty-five (55) feet. This setback, however, need not exceed forty (40) feet. Also, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally-required living room window. Finally, the required interior side yard setback is increased to 10 feet when adjacent to an interior side lot line of a parcel in a low- or medium-density residential zone.
5. When the rear yard of a reversed corner lot abuts a key lot that is in a low- or medium-density residential zone, the required street side yard setback of the reversed corner lot is one-half of the minimum front yard depth required on the key lot (see Illustration 1-12a).
6. In the CBD-R zone, portions of a building over fifty-five (55) feet shall setback at least one (1) foot from the required rear yard for every four (4) feet that portion is above fifty-five (55) feet. This regulation shall not apply when the rear yard faces a street. This setback, however, need not exceed forty (40) feet. The following other minimum rear yard setback regulations apply in all CBD zones:
- a. A minimum ten (10) foot rear yard setback is required whenever a rear lot line abuts any portion of a lot in a residential zone;
 - b. See Section 17.108.110 for reduced required rear yards setbacks next to an alley; and
 - c. See Section 17.108.130 for allowed projections into required yards.
7. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. On all other street facing facades, the requirement is one-half the standard for the facade facing the principal street. The

area of required transparency is between two (2) feet and ten (10) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies. The bottom of any window used to satisfy this requirement may not be more than four (4) feet above the adjacent sidewalk. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

8. This height is required for all new principal buildings and is measured from the sidewalk grade to the ~~ground-floor ceiling~~second story floor.
9. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.

B. Design Standards Applying to All Zones. The following regulations apply to all of the zones:

1. Entrance. Newly constructed principal buildings shall have at least one prominent pedestrian entrance facing the principal street. Entrances at building corners facing the principal street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of projecting or recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for nonresidential facilities shall be at grade.
2. Ground Floor Treatment. All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include, but are not limited to stone, tile, brick, metal panel systems, glass, and/or other similar materials. Further, the ground level of a newly constructed building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This is achieved by designing a building base that is distinct from the rest of the building through the use of some combination of change of material, enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements. For buildings with nonresidential ground floor space, visual interest shall also be achieved through modulating the ground floor into a regular cadence of storefront sized windows and entrances.
3. Active Space Requirement. For newly-constructed principal buildings, parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by subsection (E4).
4. **Parking and Loading Location.** For newly constructed principal buildings, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. *Open parking areas shall not be located between the sidewalk and a principal building.*
5. Massing. The mass of newly-constructed principal buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this note shall be applied on all visible facades and achieved through some coordinated combination of changes in plane, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.
6. Upper Story Windows. An ample placement of windows above the ground floor is required at all street-fronting facades. To create visual interest, the placement and style of windows shall contribute to a coherent and appealing composition on the façade. Less window space is only

permitted in exceptional cases if it contributes to a specific objective of the visual style and aesthetic effect of the building. Whenever possible, windows should be on all sides of a tower.

7. Building Terminus. The top of each newly-constructed principal building shall include an element that provides a distinct visual terminus. The visual terminus shall be integrated into the design concept of the building. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, and other architectural forms. These rooftop elements shall be sized, shaped, and sited to screen all rooftop mechanical equipment from view.

8. Utility Storage. For newly-constructed buildings, areas housing trash, storage, or other utility services shall be located in the garage or be otherwise completely concealed from view of the public right-of-way. Backflow prevention devices shall be located in a building alcove, landscaped area, or utility room within the building, outside of the public right-of-way, and completely screened from view from the public right-of-way unless required otherwise by a department of the City.

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.

Table 17.58.04 Height, Density, Bulk, and Tower Regulations								
Regulation	Height/Bulk/Intensity/Area							Notes
	1	2	23	34	45	56	67	
Maximum Density (Square Feet of Lot Area Required Per Unit)								
Dwelling unit	300	200	90	90	90	90	90	1,2
Rooming unit	150	100	45	45	45	45	45	1,2
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
Maximum Height								
Building base	55 ft	85 ft	55 ft	85 ft	85 ft	85 ft	120 ft	3
Total	No tower permitted	No tower permitted	170 ft	275 ft	400 ft	No height limit	No height limit	3
Minimum Height								
New principal buildings	None	None	None	45 ft	45 ft	45 ft	45 ft	4
Maximum Lot Coverage								
Building base (for each story)	Not applicable	Not applicable	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the base	Not applicable	Not applicable	50% of site area or 7,500 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	85% of site area or 10,000 sf, whichever is greater	5
Tower Regulations								

Table 17.58.04 Height, Density, Bulk, and Tower Regulations								
Regulation	Height/Bulk/Intensity/Area							Notes
	1	2	3	4	5	6	7	
Maximum average area of floor plates	Not applicable	Not applicable	10,000 sf	15,000 sf	20,000 sf	25,000 sf	No maximum	6
Maximum building length	Not applicable	Not applicable	115 ft	150 ft	175 ft	195 ft	No maximum	7
Maximum diagonal length	Not applicable	Not applicable	145 ft	180 ft	210 ft	235 ft	No maximum	
Minimum distance between towers on the same lot	Not Applicable	Not applicable	40 ft	40 ft	40 ft	40 ft	No Minimum	

Notes:

1. See Chapter 17.107 for affordable and senior housing density incentives.
2. No portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through the maximum floor area ratio, the maximum amount of floor area for any nonresidential facility on the same lot, and visa versa.
3. In Height Areas 34, 54, and 65, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right of way is greater than eighty-five (85) feet shall have a maximum base height equal to the width of that right of way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.
5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:
 - a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is 15,000 square feet and the 5th story of the other tower is 20,000 square feet, then the total floor area of the 5th story is 35,000 square feet.
 - b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen (15) percent greater than the maximum average per story floor area above base.
 - c. A story that is more than fifteen (15) percent less than the maximum average floor area is not included in the average per story floor area above the base.
6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:
 - a. The floor area of an individual tower floor plate cannot be more than fifteen (15) percent greater than the maximum average tower floor plate.

- b. An individual tower floor plate that is more than fifteen (15) percent less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.
7. The following regulation applies to lots that both 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two-thirds (2/3) the length of any east or west side property line.

17.58.070 Usable open space standards

- A. General. This section contains the usable open space standards and requirements for residential development in the CBD zones. These requirements shall supercede those in Chapter 17.126.
- B. Definitions of CBD usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
 1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 2. "Public Ground-Floor Plaza". Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
 3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
 4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
- C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:
 1. Area. On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit.
 2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

<u>Table 17.58.05: Required Dimensions of Usable Open Space</u>		
<u>Type of Usable Open Space</u>	<u>Minimum Dimension</u>	<u>Notes</u>
<u>Private</u>	<u>10 ft for space on the ground floor, no dimensional requirement elsewhere.</u>	
<u>Public Ground-Floor Plaza</u>	<u>10 ft</u>	
<u>Rooftop</u>	<u>15 ft</u>	<u>1</u>
<u>Courtyard</u>	<u>15 ft</u>	

Note:

1. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.
 3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty (50) percent of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight feet above its floor level.
 4. Location. Required usable open space may be located anywhere on the lot except that not more than fifty (50) percent of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
 5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four feet high.
 6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- D. Landscaping requirements. At least fifty (50) percent of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty (30) percent of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc). The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

Chapter 17.58

~~C-51 CENTRAL BUSINESS SERVICE COMMERCIAL ZONE REGULATIONS~~

Sections:

- ~~17.58.010 — Title, purpose, and applicability.~~
- ~~17.58.040 — Required design review process.~~
- ~~17.58.050 — Permitted activities.~~
- ~~17.58.060 — Conditionally permitted activities.~~
- ~~17.58.070 — Permitted facilities.~~
- ~~17.58.080 — Conditionally permitted facilities.~~
- ~~17.58.090 — Restriction on open accessory parking and loading.~~
- ~~17.58.100 — Special regulations applying to Convenience Markets, Fast Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.~~
- ~~17.58.110 — Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~
- ~~17.58.120 — Limitations on Signs.~~
- ~~17.58.130 — Minimum lot area, width, and frontage.~~
- ~~17.58.140 — Maximum residential density.~~
- ~~17.58.150 — Maximum floor-area ratio.~~
- ~~17.58.160 — Maximum height.~~
- ~~17.58.170 — Minimum yards and courts.~~
- ~~17.58.180 — Minimum usable open space.~~
- ~~17.58.190 — Buffering.~~
- ~~17.58.200 — Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~
- ~~17.58.210 — Other zoning provisions.~~

~~17.58.010 — Title, purpose, and applicability.~~

~~— The provisions of this chapter shall be known as the C-51 central business service commercial zone regulations. The C-51 zone is intended to create, preserve, and enhance areas for medium intensity development of offices and business service activities, and is typically appropriate to the service commercial areas immediately adjoining the core of the central district. These regulations shall apply in the C-51 zone. (Prior planning code § 4825)~~

~~17.58.040 — Required design review process.~~

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

~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 4827.1)~~

~~17.58.050 — Permitted activities.~~

~~— The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~A. Residential Activities:~~

~~— Permanent~~

- ~~Residential Care occupying a One Family Dwelling Residential Facility~~
- ~~Semi-Transient~~
- ~~B. Civic Activities:~~
 - ~~Essential Service~~
 - ~~Limited Child Care~~
 - ~~Community Education~~
 - ~~Community Assembly~~
 - ~~Nonassembly Cultural~~
 - ~~Administrative~~
 - ~~Health Care~~
 - ~~Utility and Vehicular, but excluding communications equipment installation and exchanges~~
 - ~~Telecommunications~~
- ~~C. Commercial Activities:~~
 - ~~General Food Sales~~
 - ~~Convenience Sales and Service~~
 - ~~Medical Service~~
 - ~~General Retail Sales~~
 - ~~General Personal Service~~
 - ~~Consultative and Financial Service~~
 - ~~Consumer Laundry and Repair Service~~
 - ~~Group Assembly~~
 - ~~Administrative~~
 - ~~Business and Communication Service~~
 - ~~Retail Business Supply~~
 - ~~Research Service~~
 - ~~General Wholesale Sales~~
 - ~~Transient Habitation~~
- ~~D. Manufacturing Activities:~~
 - ~~Custom~~

(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.31 (part), 1996; Ord. 11854 § 7, 1996; prior planning code § 4828)

17.58.060 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

- ~~A. Residential Activities:~~
 - ~~Residential Care, except when occupying a One Family Dwelling Residential Facility~~
 - ~~Service Enriched Permanent Housing~~
 - ~~Transitional Housing~~
 - ~~Emergency Shelter~~
- ~~B. Civic Activities:~~
 - ~~Extensive Impact~~
 - ~~Utility and Vehicular (communications equipment installations and exchanges, only)~~
 - ~~Special Health Care Civic Activities~~
- ~~C. Commercial Activities:~~
 - ~~Check Cashier and Check Cashing~~
 - ~~Convenience Market~~
 - ~~Fast Food Restaurant~~
 - ~~Alcoholic Beverage Sales~~
 - ~~Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~

- ~~Automotive Sales, Rental, and Delivery~~
- ~~Automotive Servicing~~
- ~~Automotive Repair and Cleaning~~
- ~~Automotive Fee Parking~~
- ~~Animal Care~~
- ~~Undertaking Service~~
- ~~Transient Habitation, subject to the provisions of Section 17.102.370~~

~~D. Manufacturing Activities:~~

- ~~Light~~

~~E. Agricultural and Extractive Activities:~~

- ~~Plant Nursery~~
- ~~Crop and Animal Raising~~

~~F. Off street parking serving activities other than those listed above or in Section 17.58.050, subject to the conditions set forth in Section 17.102.100.~~

~~G. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.100. (Ord. 12626 § 4 (part), 2004; Ord. 12450 § 11, 2002; Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; Ord. 11854 § 8, 1996; prior planning code § 4829)~~

17.58.070 Permitted facilities.

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

~~A. Residential Facilities:~~

- ~~One Family Dwelling~~
- ~~One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~
- ~~Two Family Dwelling~~
- ~~Multifamily Dwelling~~
- ~~Rooming House~~

~~B. Nonresidential Facilities:~~

- ~~Enclosed~~
- ~~Sidewalk Cafes, subject to the provisions of Section 17.102.335~~

~~C. Signs:~~

- ~~Residential~~
- ~~Special~~
- ~~Development~~
- ~~Realty~~
- ~~Civic~~
- ~~Business~~

~~(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 5, 1997; prior planning code § 4830)~~

17.58.080 Conditionally permitted facilities.

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Nonresidential Facilities:~~

- ~~Open~~
- ~~Drive In~~
- ~~Drive Through~~

~~B. Off Street Parking Facilities serving fifty (50) or more vehicles.~~

~~C. Telecommunications Facilities:~~

- ~~Macro~~
- ~~Monopole~~

(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.42 (part), 1996; prior planning code § 4831)

~~17.58.090 Restriction on open accessory parking and loading.~~

~~— All accessory off street parking and loading areas shall be located within enclosed buildings except that open parking or loading areas may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
(Prior planning code § 4832)~~

~~17.58.100 Special regulations applying to Convenience Markets, Fast Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.~~

~~— See Section 17.102.210.
(Prior planning code § 4833)~~

~~17.58.110 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~

~~— See Section 17.102.230.
(Prior planning code § 4834)~~

~~17.58.120 Limitations on Signs.~~

~~— A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020. (Ord. 12606 Att. A (part), 2004; prior planning code § 4838)~~

~~17.58.130 Minimum lot area, width, and frontage.~~

~~— Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.
(Prior planning code § 4839)~~

~~17.58.140 Maximum residential density.~~

~~— Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.32.140 for the R-90 zone.
(Prior planning code § 4840)~~

~~17.58.150 Maximum floor-area ratio.~~

~~— The maximum floor area ratio of facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum floor area ratio on lots containing both Residential and Nonresidential Facilities:~~

~~— A. Permitted Floor Area Ratio. The maximum permitted floor area ratio is 7.00, except that this ratio may be exceeded:~~

~~— 1. By ten percent on any corner lot; and~~

~~— 2. By ten percent on any lot which faces or abuts a public park at least as wide as the lot; and~~

~~— 3. In the case of a Nonresidential Facility, by not to exceed fifteen (15) percent if one square foot of plaza, conforming to the provisions of Section 17.126.050, is provided for each seven square feet of additional floor area.~~

~~— B. Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection (A) may be increased by not to exceed fifty (50) percent upon the acquisition of development rights from nearby lots and the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, subject to the provisions of Section 17.106.050.~~

~~(Prior planning code § 4842)~~

~~17.58.160 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 17.58.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.56, 1996; prior planning code § 4844)~~

~~17.58.170 Minimum yards and courts.~~

~~— No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~

~~— A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.~~

~~— B. Side Yard—Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~

~~— C. Side Yard—Interior Lot Line.~~

~~— 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.~~

~~— 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~— D. Rear Yard.~~

~~— 1. A rear yard with a minimum depth of fifteen (15) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.~~

~~— 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.~~

~~— E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 4845)~~

~~17.58.180 Minimum usable open space.~~

~~— Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.32.180 for the R-90 zone. See also Section 17.58.150(A)(3). (Prior planning code § 4846)~~

~~17.58.190 Buffering.~~

~~— All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. See also Section 17.58.090. (Prior planning code § 4847)~~

~~17.58.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~

~~— A. Mini-Lot Developments. In mini-lot developments, certain of the regulations otherwise applying to individual lots in the C-51 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~— B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-51 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~—C. Large Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect. (Prior planning code § 4848)~~

17.58.210—Other zoning provisions.

~~—A. Parking and Loading. Off street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.~~

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

~~—C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~

~~—D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~

~~—E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-51 zone.~~

~~—F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-51 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4849)~~

Chapter 17.60

~~C 52 OLD OAKLAND COMMERCIAL ZONE REGULATIONS~~

Sections:

- ~~17.60.010 — Title, purpose, and applicability.~~
- ~~17.60.040 — Required design review process.~~
- ~~17.60.050 — Permitted activities.~~
- ~~17.60.060 — Conditionally permitted activities.~~
- ~~17.60.070 — Permitted facilities.~~
- ~~17.60.080 — Conditionally permitted facilities.~~
- ~~17.60.090 — Special regulations applying to Convenience Markets, Fast Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.~~
- ~~17.60.100 — Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~
- ~~17.60.110 — Use permit criteria.~~
- ~~17.60.120 — Limitations on Signs, marquees, and awnings.~~
- ~~17.60.130 — Minimum lot area, width, and frontage.~~
- ~~17.60.140 — Maximum residential density.~~
- ~~17.60.150 — Maximum height.~~
- ~~17.60.160 — Minimum yards and courts.~~
- ~~17.60.170 — Minimum usable open space.~~
- ~~17.60.180 — Buffering.~~
- ~~17.60.190 — Special regulations for mini-lot and planned unit developments.~~
- ~~17.60.200 — Other zoning provisions.~~

~~17.60.010 — Title, purpose, and applicability.~~

~~— The provisions of this chapter shall be known as the C 52 old Oakland commercial zone regulations. The C 52 zone is intended to preserve and enhance an area of historically or architecturally valuable structures of moderate scale for office, retail, and other appropriate uses along streets oriented to pedestrian movement, and is appropriate to the older commercial section south of the core of the central district. These provisions shall apply in the C 52 zone. (Prior planning code § 4850)~~

~~17.60.040 — Required design review process.~~

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

~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 4852.1)~~

~~17.60.050 — Permitted activities.~~

~~— The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~— A. Residential Activities:~~

~~— Permanent~~

~~— Residential Care occupying a One Family Dwelling Residential Facility~~

~~— Semi-Transient~~

- ~~— B. Civic Activities:~~
 - ~~— Essential Service~~
 - ~~— Limited Child Care~~
 - ~~— Community Assembly~~
 - ~~— Community Education~~
 - ~~— Nonassembly Cultural~~
 - ~~— Administrative~~
 - ~~— Health Care~~
 - ~~— Telecommunications~~
- ~~— C. Commercial Activities:~~
 - ~~— General Food Sales~~
 - ~~— Convenience Sales and Service~~
 - ~~— Medical Service~~
 - ~~— General Retail Sales~~
 - ~~— General Personal Service~~
 - ~~— Consultative and Financial Service~~
 - ~~— Group Assembly~~
 - ~~— Administrative~~
 - ~~— Retail Business Supply~~

~~(Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.32 (part), 1996; prior planning code § 4853)~~

17.60.060 Conditionally permitted activities.

~~— The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

- ~~— A. Residential Activities:~~
 - ~~— Residential Care, except when occupying a One Family Dwelling Residential Facility~~
 - ~~— Service Enriched Permanent Housing~~
 - ~~— Transitional Housing~~
 - ~~— Emergency Shelter~~
- ~~— B. Civic Activities:~~
 - ~~— Utility and Vehicular~~
 - ~~— Extensive Impact~~
- ~~— C. Commercial Activities:~~
 - ~~— Check Cashier and Check Cashing~~
 - ~~— Convenience Market~~
 - ~~— Alcoholic Beverage Sales~~
 - ~~— Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
 - ~~— Consumer Laundry and Repair Service~~
 - ~~— Business and Communication Service~~
 - ~~— Research Service~~
 - ~~— General Wholesale Sales~~
 - ~~— Transient Habitation~~
 - ~~— Automotive Fee Parking~~
- ~~— D. Manufacturing Activities:~~
 - ~~— Custom~~

~~(Ord. 12626 § 4 (part), 2004; Ord. 12138 § 5 (part), 1999; prior planning code § 4854)~~

17.60.070 Permitted facilities.

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

- ~~— A. Residential Facilities:~~
 - ~~— One Family Dwelling~~

~~One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

~~Two Family Dwelling~~

~~Multifamily Dwelling~~

~~B. Nonresidential Facilities:~~

~~Enclosed~~

~~Sidewalk Cafes, subject to the provisions of Section 17.102.335~~

~~C. Signs:~~

~~Residential~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~(Ord. 12224 § 4 (part), 2000; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4855)~~

~~17.60.080 Conditionally permitted facilities.~~

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Residential Facilities:~~

~~Rooming House~~

~~B. Nonresidential Facilities:~~

~~Open~~

~~C. Off Street Parking Facilities serving fifty (50) or more vehicles.~~

~~D. Telecommunications Facilities:~~

~~Macro~~

~~Monopole~~

~~(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.43, 1996; prior planning code § 4856)~~

~~17.60.090 Special regulations applying to Convenience Markets, Fast Food Restaurants, and certain establishments selling alcoholic beverages or providing mechanical or electronic games.~~

~~See Section 17.102.210. (Prior planning code § 4858)~~

~~17.60.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~

~~See Section 17.102.230. (Prior planning code § 4859)~~

~~17.60.110 Use permit criteria.~~

~~A conditional use permit for any use under Section 17.60.060 or 17.60.080 may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~

~~A. That the proposal will not detract from the special character desired for the area;~~

~~B. That the proposal will not impair a generally continuous wall of building facades nor introduce design elements which interrupt basic continuity of existing retail frontages;~~

~~C. That the proposal will not interfere with the movement of people along an important pedestrian street;~~

~~— D. That the amount of off street parking, if any, will not contribute significantly to an increased orientation of the area to automobile movement.~~

~~— See also Section 17.102.210. (Prior planning code § 4861)~~

~~17.60.120 Limitations on Signs, marquees, and awnings.~~

~~— A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.~~

~~(Ord. 12606 Att. A (part), 2004; Prior planning code § 4863)~~

~~17.60.130 Minimum lot area, width, and frontage.~~

~~— Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Prior planning code § 4864)~~

~~17.60.140 Maximum residential density.~~

~~— Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.30.140 for the R 80 zone. (Prior planning code § 4865)~~

~~17.60.150 Maximum height.~~

~~— Except as a greater height is allowed by Section 17.108.030 and except as provided in Chapter 17.128, the maximum height of buildings and other facilities shall be fifty (50) feet. However, the height of facilities shall be further limited, as applicable, by the provisions of Section 17.108.010 on lots lying along a boundary of the R 10, R 20, R 30, R 35, R 40, or R 50 zone. See Section 17.60.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts. (Ord. 11904 § 5.57, 1996; prior planning code § 4869)~~

~~17.60.160 Minimum yards and courts.~~

~~— No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~

~~— A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.~~

~~— B. Side Yard Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~

~~— C. Side Yard Interior Lot Line:~~

~~— 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.~~

~~— 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~— D. Rear Yard:~~

~~— 1. A rear yard with a minimum depth of fifteen (15) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.~~

~~— 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.~~

~~— E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 4870)~~

~~17.60.170 Minimum usable open space.~~

~~Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.30.180 for the R 80 zone. (Prior planning code § 4871)~~

~~17.60.180 Buffering.~~

~~All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. (Prior planning code § 4872)~~

~~17.60.190 Special regulations for mini lot and planned unit developments.~~

~~A. Mini lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the C 52 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C 52 zone, and certain of the other regulations applying in said zone may be waived or modified. (Prior planning code § 4873)~~

~~17.60.200 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. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.~~

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

~~D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C 52 zone.~~

~~E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the C 52 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4874)~~

Chapter 17.62

~~C-55 CENTRAL CORE COMMERCIAL ZONE REGULATIONS~~

Sections:

- ~~17.62.010 — Title, purpose, and applicability.~~
- ~~17.62.040 — Required design review process.~~
- ~~17.62.050 — Permitted activities.~~
- ~~17.62.060 — Conditionally permitted activities.~~
- ~~17.62.070 — Permitted facilities.~~
- ~~17.62.080 — Conditionally permitted facilities.~~
- ~~17.62.090 — Restriction on open accessory parking and loading.~~
- ~~17.62.100 — Special regulations applying to certain Commercial Activities.~~
- ~~17.62.110 — Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.~~
- ~~17.62.120 — Limitations on Signs.~~
- ~~17.62.130 — Minimum lot area, width, and frontage.~~
- ~~17.62.140 — Maximum residential density.~~
- ~~17.62.150 — Maximum residential floor-area ratio.~~
- ~~17.62.160 — Maximum height.~~
- ~~17.62.170 — Minimum yards and courts.~~
- ~~17.62.180 — Minimum usable open space.~~
- ~~17.62.190 — Buffering.~~
- ~~17.62.200 — Special regulations for mini lot developments, planned unit developments, and large-scale developments.~~
- ~~17.62.210 — Other zoning provisions.~~

~~17.62.010 — Title, purpose, and applicability.~~

~~— The provisions of this chapter, shall be known as the C-55 central core commercial zone regulations. The C-55 zone is intended to preserve and enhance a very high intensity regional center of employment, shopping, culture, and recreation, and is appropriate to the core of the central district. These regulations shall apply in the C-55 zone. (Prior planning code § 4875)~~

~~17.62.040 — Required design review process.~~

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

~~(Ord. 11904 § 5.60 (part), 1996; prior planning code § 4877.1)~~

~~17.62.050 — Permitted activities.~~

~~— The following activities, as described in the use classifications in Chapter 17.10, are permitted:~~

~~— A. Residential Activities:~~

- ~~— Permanent~~
- ~~— Residential Care occupying a One-~~
- ~~— Family Dwelling Residential~~
- ~~— Facility~~
- ~~— Semi-Transient~~

- ~~— B. Civic Activities:~~
 - ~~— Essential Service~~
 - ~~— Limited Child Care~~
 - ~~— Community Assembly~~
 - ~~— Community Education~~
 - ~~— Nonassembly Cultural~~
 - ~~— Administrative~~
 - ~~— Health Care~~
 - ~~— Telecommunications~~
- ~~— C. Commercial Activities:~~
 - ~~— General Food Sales~~
 - ~~— Convenience Sales and Service~~
 - ~~— Medical Service~~
 - ~~— General Retail Sales~~
 - ~~— General Personal Service~~
 - ~~— Consultative and Financial Service~~
 - ~~— Consumer Laundry and Repair Service~~
 - ~~— Group Assembly~~
 - ~~— Administrative~~
 - ~~— Business and Communication Service~~
 - ~~— Retail Business Supply~~
 - ~~— Research Service~~
- ~~— D. Manufacturing Activities:~~
 - ~~— Custom~~

(Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.32 (part), 1996; prior planning code § 4878)

~~17.62.060 Conditionally permitted activities.~~

~~— The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

- ~~— A. Residential Activities:~~
 - ~~— Residential Care, except when occupying a One Family Dwelling Residential Facility~~
 - ~~— Service Enriched Permanent Housing~~
 - ~~— Transitional Housing~~
 - ~~— Emergency Shelter~~
- ~~— B. Civic Activities:~~
 - ~~— Utility and Vehicular~~
 - ~~— Special Health Care Civic Activities~~
 - ~~— Extensive Impact Civic~~
- ~~— C. Commercial Activities:~~
 - ~~— Check Cashier and Check Cashing~~
 - ~~— Convenience Market~~
 - ~~— Fast Food Restaurant~~
 - ~~— Alcoholic Beverage Sales~~
 - ~~— Mechanical or Electronic Games, subject to the provisions of Section 17.102.210C~~
 - ~~— General Wholesale Sales~~
 - ~~— Automotive Sales, Rental, and Delivery~~
 - ~~— Automotive Servicing~~
 - ~~— Automotive Fee Parking~~
 - ~~— Animal Care~~
 - ~~— Undertaking Service~~

~~Transient Habitation, subject to the provisions of Section 17.102.370~~

~~D. Industrial Activities:~~

~~Light Manufacturing~~

~~E. Agricultural and Extractive Activities:~~

~~Crop and Animal Raising~~

~~F. Off street parking serving activities other than those listed above or in Section 17.62.050, subject to the conditions set forth in Section 17.102.100.~~

~~G. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12626 § 4 (part), 2004; Ord. 12450 § 12, 2002; Ord. 12266 § 5 (part), 2000; Ord. 12138 § 5 (part), 1999; prior planning code § 4879)~~

17.62.070 Permitted facilities.

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

~~A. Residential Facilities:~~

~~One Family Dwelling~~

~~One Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360~~

~~Two Family Dwelling~~

~~Multifamily Dwelling~~

~~Rooming House~~

~~B. Nonresidential Facilities:~~

~~Enclosed~~

~~Sidewalk Cafes, subject to the provisions of Section 17.102.335~~

~~C. Signs:~~

~~Residential~~

~~Special~~

~~Development~~

~~Realty~~

~~Civic~~

~~Business~~

~~D. Telecommunications Facilities:~~

~~Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)~~

~~(Ord. 12224 § 4 (part), 2000; Ord. 12021 § 6, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4880)~~

17.62.080 Conditionally permitted facilities.

~~The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:~~

~~A. Nonresidential Facilities:~~

~~Open~~

~~Drive In~~

~~Drive Through~~

~~B. Off Street Parking Facilities serving fifty (50) or more vehicles.~~

~~C. Telecommunications Facilities:~~

~~Macro~~

~~Monopole~~

~~(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.42 (part), 1996; prior planning code § 4881)~~

~~17.62.090~~ Restriction on open accessory parking and loading.

~~All accessory off street parking and loading areas shall be located within enclosed buildings, except that open parking or loading areas may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
(Prior planning code § 4882)~~

~~17.62.100~~ Special regulations applying to certain Commercial Activities.

~~A. Pawnbroking, Poolrooms, and Secondhand Merchandise. Pawnbroking, poolroom, and secondhand merchandise activities are not permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.~~

~~B. Convenience Markets, Fast Food Restaurants, and Certain Establishments Selling Alcoholic Beverages or Providing Mechanical or Electronic Games. See Section 17.102.210.
(Prior planning code § 4883)~~

~~17.62.110~~ Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.

~~See Section 17.102.230.~~

~~(Prior planning code § 4884)~~

~~17.62.120~~ Limitations on Signs.

~~A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.~~

~~(Prior planning code § 4888)~~

~~17.62.130~~ Minimum lot area, width, and frontage.

~~Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.~~

~~(Prior planning code § 4889)~~

~~17.62.140~~ Maximum residential density.

~~Residential uses shall be subject to the same maximum density and other related regulations as are set forth in Section 17.32.140 for the R-90 zone.~~

~~(Prior planning code § 4890)~~

~~17.62.150~~ Maximum residential floor-area ratio.

~~The maximum floor area ratio of residential facilities shall be as set forth in Section 17.32.150 for the R-90 zone.~~

~~(Prior planning code § 4892)~~

~~17.62.160~~ 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 17.62.120 for maximum height of Signs, and Section 17.108.130 for maximum height of facilities within minimum yards and courts.~~

~~(Ord. 11904 § 5.58, 1996; prior planning code § 4894)~~

~~17.62.170 Minimum yards and courts.~~

~~— No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:~~

~~— A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.~~

~~— B. Side Yard Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a residential zone.~~

~~— C. Side Yard Interior Lot Line.~~

~~— 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.~~

~~— 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.~~

~~— D. Rear Yard.~~

~~— 1. A rear yard with a minimum depth of fifteen (15) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.~~

~~— 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.~~

~~— E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Prior planning code § 4895)~~

~~17.62.180 Minimum usable open space.~~

~~— Usable open space shall be provided for Residential Facilities in accordance with the same requirements as are set forth in Section 17.32.180 for the R-90 zone. (Prior planning code § 4896)~~

~~17.62.190 Buffering.~~

~~— All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. See also Section 17.62.090. (Prior planning code § 4897)~~

~~17.62.200 Special regulations for mini-lot developments, planned unit developments, and large-scale developments.~~

~~— A. Mini Lot Developments. In mini lot developments, certain of the regulations otherwise applying to individual lots in the C-55 zone may be waived or modified when and as prescribed in Section 17.102.320.~~

~~— B. Planned Unit Developments. Large integrated developments shall be subject to the planned unit development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-55 zone, and certain of the other regulations applying in said zone may be waived or modified.~~

~~— C. Large Scale Developments. No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect. (Prior planning code § 4898)~~

~~17.62.210 Other zoning provisions.~~

~~— A. Parking and Loading. Off street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.~~

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

~~—C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.~~

~~—D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.~~

~~—E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-55 zone.~~

~~—F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-55 zone. (Amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4899)~~

Chapter 17.108

GENERAL HEIGHT, YARD, AND COURT REGULATIONS

17.108.060 Minimum side yard on street side of corner lot--Residential zones.

(See illustration I-13.)

A. **Where There Is a Key Lot in a Residential Zone.** In all residential zones, on every corner lot which abuts to the rear a key lot which is in a residential zone, there shall be provided on the street side of such corner lot a side yard with a minimum width equal to one-half (½) of the minimum front yard depth required on the key lot and no less than the minimum side yard width required along an interior side lot line of the corner lot. However, such side yard shall not be required in the R-80 and ~~R-90~~CBD-R zones, nor be required to exceed five (5) feet in width in any other residential zone, to the extent that it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also Section 17.110.040C for special controls on location of detached accessory buildings on such corner lots.

B. **Where There Is No Key Lot in a Residential Zone.** In all residential zones, on every corner lot which does not abut to the rear a key lot which is in a residential zone, the required minimum side yard width on the street side of such corner lot shall be the same as that, if any, generally required along each interior side lot line of every lot in the same zone; provided, however, that such minimum width shall be five (5) feet in the R-60 and R-70 zones. However, such side yard shall not be required to exceed five (5) feet in width to the extent that it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; prior planning code § 7080)

17.108.080 Minimum side yard opposite living room windows.

(See illustration I-14.) On each lot containing Residential Facilities with a total of two or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this section is not required on other lots or in other situations. Such yard shall have a minimum width of eight feet, plus two feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed twelve (12) percent of the lot width in the R-70, R-80, ~~R-90~~, C-25, C-30, C-35, C-40, C-45, ~~C-51, C-55~~CBD-R, CBD-P, CBD-C, CBD-X, S-1, S-2, and S-15 zones and twenty (20) percent of the lot width in all other zones, except that in no case shall such side yard width be less than five feet. The side yard required by this section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than ten feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. (Ord. 11892 § 7, 1996; prior planning code § 7082)

17.108.090 Minimum side yard abutting side of property in R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60 zone.

(See illustrations I-6a and I-12b.) Wherever an interior side lot line of any lot located in the R-70, R-80, ~~R-90~~CBD-R, S-1, S-2, or S-15 zone or any commercial or industrial zone abuts an interior side lot line of any lot located in the R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, or R-60 zone, there shall be

provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of ten feet. (Where it abuts a rear lot line, no yard is required by this section.) This side yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. See also, where applicable, the greater yard width prescribed for certain facilities by Section 17.108.020(A). (Ord. 12272 § 4 (part), 2000; Ord. 11892 § 8, 1996; prior planning code § 7083)

Chapter 17.116

OFF-STREET PARKING AND LOADING REQUIREMENTS

17.116.060 Off-street parking--Residential Activities.

A. Permanent and Semi-Transient Residential Activities. Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this chapter:

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	R-1, R-10, R-20, R-30, except when combined with the S-12 zone.	Two spaces for each dwelling unit occupying a lot fronting on a street with parking allowed on one or both sides of the street; three spaces for each dwelling unit occupying a lot fronting on a street with parking prohibited on both sides of the street except that two spaces shall be required on such lots with an average lot width of fifty-five (55) feet or less, and two spaces shall be required on such lots where the site area to be covered by the structure has a gradient greater than twenty (20) percent or the street-to-setback gradient as measured from the edge of pavement to the front setback line is greater than twenty (20) percent; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two spaces per dwelling unit.
	R-35, R-36, R-40, except when combined with the S-12 zone.	One and one-half spaces for each dwelling unit.
	R-36, when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone.	One space for each dwelling unit.
	C-28, except as provided by Section 17.44.200.	One space for each dwelling unit.
	C-52CBD-P (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zone, except when combined with the S-12 zone.	One half-space for dwelling unit.

Residential Facility Type	Zone	Requirement
	Any other zone, except when combined with the S-12 zone.	One space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
One-Family Dwelling with Secondary Unit.	R-1, R-10, R-20, R-30, R-35, R-36, R-40, except when combined with the S-12 zone.	One space for the secondary unit unless the lot already contains a total of at least three spaces; however, in the S-11 zone the requirement shall be one space for each bedroom in any secondary unit. See Section 17.102.360.
	R-50, R-60, R-70, R-80, R-90 CBD-R, C-5, C-10, C-20, except when combined with the S-12 zone.	One space for the secondary unit unless the lot already contains a total of at least two spaces; however, in the S-11 zone the requirement shall be one space for each bedroom, in any secondary unit. See Section 17.102.360.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Two-Family Dwelling. Multifamily Dwelling.	R-30, R-35, R-36, R-40, except when combined with the S-12 zone.	One and one-half spaces for each dwelling unit.
	C-28, except as provided by Section 17.44.200.	One space per dwelling unit.
	C-52 CBD-P (when combined with the S-7 zone) C-52 , except when combined with the S-12 zone.	No spaces required.
	S-15 zone, except when combined with the S-12 zone.	One-half space for each dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040.
Rooming House.	C-52 CBD-P (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One space for each two rooming units.
Mobile Home.	C-52 CBD-P (when combined with the S-7 zone) C-52 .	No spaces required.
	Any other zone.	One space for each living unit plus one additional space for each four living units.
Bed and Breakfast	Any zone.	One space for each two units plus the required parking for a One-Family dwelling in the underlying zone.

17.116.070 Off-street parking--Civic Activities.

Except as otherwise provided in Sections 17.44.200, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	--	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	<u>CBD-P (when combined with the S-7 zone)</u> C-52.	--	No spaces required.
	S-15.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
Private non-profit clubs and lodges.	S-15.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	--	No spaces required.
Churches and all other.	<u>CBD-P (when combined with the S-7 zone)</u> C-52.	--	No spaces required.
	C-45, C-51 <u>CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, S-2.</u>	10,000 square feet of floor area.	One space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-5, C-10, C-28, C-31, C-35.	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15.	--	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	C-52, C-55 CBD-P, CBD-C, CBD-X.	-	No spaces required.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One space for each three employees plus one space for each 10 students of planned capacity.
all others.	C-52, C-55 CBD-P, CBD-C, CBD-X.	-	No spaces required.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One space for each three employees.
D. Nonassembly Cultural Administrative.	C-52, C-55 CBD-P, CBD-C, CBD-X.	-	No spaces required.
	C-45, C-51 , S-2.	10,000 square feet of floor area.	One space for each 1,400 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 900 square feet of floor area.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	S-15	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One space for each 600 square feet of floor area.
E. Health Care: hospitals.	C-52 , CBD-P (only when combined with the S-7 zone)	-	No spaces required.
E. Health Care: hospitals.	C-45, C-51 , C-55, CBD-P (only if not combined with the S-7 zone), CBD-C, CBD-X, S-2.	No minimum.	One space for each staff or regular visiting doctor.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
clinics.	CBD-P (only when combined with the S-7 zone) C-52 .	-	No spaces required.
	C-45, C-51 , C-55, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, S-2.	No minimum.	One space for each staff or regular visiting doctor.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	Three spaces for each staff or regular visiting doctor plus one space for each two other employees.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
all other.	<u>CBD-P (only when combined with the S-7 zone)</u> C-52.	-	No spaces required.
	C-45, <u>CBD-P (only when not combined with the S-7 zone)</u> , <u>CBD-C, CBD-X, C-51, C-55, S-2.</u>	No minimum.	One space for each staff or regular visiting doctor.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	One space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	C-52, C-55, CDB-P, <u>CBD-C, CBD-X.</u>	-	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each vehicle used in connection with the activities.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	<u>CBD-P, CBD-C,</u> <u>CBD-X, C-52, C-55.</u>	-	No spaces required.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	No minimum.	One space for each three employees plus one space for each six students of planned capacity.
all other.	<u>CBD-P (only when combined with the S-7 zone)</u> C-52.	-	No spaces required.
	S-15.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

(Ord. 12138 § 4 (part), 1999; Ord. 11892 § 13, 1996: prior planning code § 7512)

17.116.080 Off-street parking--Commercial Activities.

Except as otherwise provided in Sections 17.44.200, 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café.	C-52, C-55, CBD-P, CBD-C, CBD-X, S-15.	10,000 square feet of floor area--	No spaces required.
Convenience Market. Alcoholic Beverage Sales.	C-45, C-51, S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 300 square feet of floor area.
	Any other zone.		One space for each 200 square feet of floor area.
B. Mechanical or Electronic Games.			
Medical Service.			

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.			
Consumer Service.			
Consumer Laundry and Repair Service, except when services consists primarily of repair or cleaning of large items such as furniture or carpets.			
General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.			
Undertaking Service.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X, S-15</u>	--	<u>No spaces required</u>
	C-45, C-51, S-2.	1,000 square feet of floor area.	One space for each 900 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35	3,000 square feet of floor area.	One space for each 600 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 400 square feet of floor area.
C. Consultative and Financial Service.	C-52, C-55, S-15.	-	No spaces required.
Administrative.			
Business, Communication, and Media Service.			
Broadcasting and Recording Service			
Research Service.			
	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X, S-15.</u>	-	<u>No spaces required.</u>
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,400 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 900 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 600 square feet of floor area.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.			
Wholesale Professional Building Material Sales.			
Automotive Sales and Service.			
Automobile and Other Light Vehicle Sales and Rental.			
	C-45, C-51 , CBD-P, CBD-C, CBD-X, S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
	Any other zone.	5,000 square feet of floor area.	One space for each 1,000 square feet of floor area, or for each three employees, whichever requires fewer spaces.
E. Group Assembly and Personal Instruction and Improvement and Small Scale Entertainment.	C-52, C-55, CBD-P, CBD-C, CBD-X, S-15.	-	No Spaces required.
	C-45, C-51 , S-2.	10,000 square feet of floor area.	One space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-5, C-10, C-28, C-31, C-35.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	<u>CBD-P (only when combined with the S-7 zone)</u> C-52, S-15.	-	No spaces required.
	C-55 CBD-P, CBD-C, CBD-X.	No minimum.	One space for each unit in a motel and one space for each two units in a hotel.
	Any other zone.	No minimum.	One space for each unit in a motel and three spaces for each four units in a hotel.
G. General Retail Sales, when ever sales are primarily of bulky merchandise such as furniture or large appliances.	C-52, C-55,	-	
Consumer Laundry and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets.			

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Animal care and Animal Boarding.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X, S-15.</u>	--	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
	Any other zone.	5,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
H. Automobile and Other Light Vehicle Gas Station and Servicing.	C-52, C-55.		
Automotive and Other Light Vehicle Repair and Cleaning.			
Automotive Fee Parking.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X.,</u>	--	No spaces required.
	C-45, C-51, S-2.	10,000 square feet of floor area.	One space for each 1,000 square feet of floor area.
	Any other zone.	No minimum.	One space for each 1,000 square feet of floor area.
I. Transport and Warehousing.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X, C-52, C-55.</u>	--	No spaces required.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One space for each three employees.
J. Scrap Operation.	<u>CBD-P,</u> <u>CBD-C,</u> <u>CBD-X, C-51, C-55.</u>	-	No spaces required.

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	C-55 CBD-P, CBD-C, CBD-X, S-15.	-	No spaces required.
	C-45, C-51.	10,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-28, C-31, C-35, S-2.	2,000 square feet of floor area.	One space for each 300 square feet of floor area.
	Any other zone.	3,000 square feet of floor area.	One space for each 200 square feet of floor area.

(Ord. 12289 § 4 (part), 2000; Ord. 11892 § 14, 1996: prior planning code § 7513)

17.116.090 Off-street parking-- Industrial Activities.

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
C-52, C-55 CBD-P, CBD-C, CBD-X, S-15.	-	No spaces required.
C-45, C-51 , S-2.	10,000 square feet of floor area.	One space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.
Any other zone.	5,000 square feet of floor area.	One space for each 1,500 square feet of floor area or for each three employees, whichever requires more spaces.

(Ord. 12289 § 4 (part), 2000; Ord. 11892 § 15, 1996: prior planning code § 7514)

17.116.100 Off-street parking--Agricultural and Extractive Activities.

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
C-52, C-55 CBD-P, CBD-C, CBD-X.	-	No spaces required.
C-45, C-51 , S-2.	10,000 square feet of floor area and outdoor sales or display area.	One space for each 1,000 square feet of floor area and outdoor sales or display area.
Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One space for each 1,000 square feet of floor area and outdoor sales or display area.

(Prior planning code § 7515)

17.116.110 Special exemptions to parking requirements.

The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.040 shall apply.

A. Discretionary Reduction for Senior Citizen Housing and Dormitories. In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in Section 17.116.060 may be reduced by not to exceed seventy-five (75) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:

1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped

regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;

2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;

3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.

B. Discretionary Reduction of Total Requirements with Shared Parking Area. For a joint off-street parking area which serves two or more nonresidential activities in any zone, or Residential Activities in the ~~R-90, C-28, C-31, C-45, CBD-R, C-51, or C-55~~ CBD-P, CBD-C, or CBD-X zone, and which meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities may be reduced by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.

C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas. The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the ~~R-90, C-28, C-31, C-45, CBD-R, C-51, or C-55~~ CBD-P, CDB-C, or CBD-X zone, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132. (Prior planning code § 7519)

Article III

Off-Street Loading Requirements

17.116.120 Off-street loading--IndustrialResidential Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones ~~except C-52~~ for Residential Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied Requirement	Requirement
Less than 50,000 square feet.	No berth required.*
50,000--149,999 square feet.	One berth.*
150,000--299,999 square feet.	Two berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	One additional berth.*

*Off-street loading is not required in ~~CBD-P zone when combined with the S-7 zone~~ C-52 zone. (Prior planning code § 7521)

17.116.130 Off-street loading--Civic Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones ~~except C-52~~ for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor are:	
Less than 50,000 square feet.	No berth required.*
50,000--149,999 square feet.	One berth.*
150,000--299,999 square feet.	Two berths.*
Each additional 100,000 square feet or fraction of one-half or more thereof.	One additional berth.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040*
C. All other Civic Activities.	No berths required.

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone~~C-52 zone~~. (Prior planning code § 7522)

17.116.140 Off-street loading--Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones ~~except C-52~~ for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity and Total Size of Facilities Occupied	Requirement
A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Café, Convenience Market, Fast-Food Restaurant, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Consumer Laundry and Repair Service, Group Assembly, Personal Instruction and Improvement and Small Scale Entertainment Business, Communication, and Media Service, Broadcasting and Recording Service, Research Service, General Wholesale Sales, Wholesale Professional Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive and Other Light Vehicle Repair and Cleaning, Transport and Warehousing, Animal Care, or Animal Boarding occupying facilities with the following floor area:	
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One berth.*
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*

Commercial Activity and Total Size of Facilities Occupied	Requirement
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
B. Mechanical or Electronic Games, Medical Service, Consumer Service, Consultative and Financial Service, Administrative, or Transient Habitation, occupying facilities with the following floor area:	
Less than 50,000 square feet.	No berths required.*
50,000--149,999 square feet.	One additional berth.*
150,000--299,999 square feet.	One berth.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	Two berths. One additional berth.*
C. Undertaking Service, occupying facilities with the following floor area:	
Less than 2,500 square feet.	No berths required.*
2,500--24,999 square feet.	One berth.
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
D. Scrap Operation, occupying facilities with the following amounts of floor area and outdoor storage, processing, or sales area:	
Less than 25,000 square feet.	One berth.*
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One additional berth.*
E. All other Commercial Activities.	No berths required.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone C-52 zone. (Prior planning code § 7523)

17.116.150 Off-street loading-- Industrial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones except C-52 for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied	Requirement
Less than 10,000 square feet.	No berths required.*
10,000--24,999 square feet.	One berth.*
25,000--49,999 square feet.	Two berths.*
50,000--99,999 square feet.	Three berths.*
Each additional 170,000 square feet or fraction of one-half or more thereof.	One additional berth.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone C-52 zone. (Prior planning code § 7524)

17.116.170 Property on which parking and loading must be provided.

A. Parking Spaces and Loading. Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity.	R-90, C-31, C-45, CBD-R, C-51, C-55, CBD-P, CBD-C, CBD-X.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Industrial	Any other zone.	On the same lot as the activity served, but for One and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty (20) percent, required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):
		1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk;
		2. The parking stalls shall be set back a minimum of five feet from the edge of street pavement including any curbs or sidewalks; and
		3. The parking stalls extending into the street right-of-way shall not constitute more than fifty (50) percent of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.

Required Facility and Activity it Serves	Zone	Location
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for Residential Activities in the R-90CBD, C-31, and C-45; C-51, C-55 zones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in subsection A of this section for required spaces or berths serving the same activity, except as follows:

1. A required driveway may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.
2. A required maneuvering aisle or portion thereof may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.

C. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure, and subject to the provisions of Section 17.102.090 and Section 17.116.180, any required driveway or maneuvering aisle may be located entirely on another lot or lots in separate ownership. (Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 11892 § 16, 1996; prior planning code § 7535)

Chapter 17.134

CONDITIONAL USE PERMIT PROCEDURE

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project that meets any of the following size thresholds:
 - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one acre;
 - b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, ~~R-90, C-51, C-55, S-2, or S-15 zones;~~
 - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three or more dwelling units in the R-36 or R-40 zone,
 - ii. Seven (7) or more dwelling units in the R-50 zone.
 - d. Residential projects requiring a conditional use permit to exceed the basic or permitted density resulting in 7 or more living units in the R-60, R-70, R-80, or ~~R-90~~CBD-R zone.
 - e. Large Scale Developments. Any development which is located in the R-80, ~~R-90~~CBD-R, ~~C-51, C-55~~CBD-P (when not combined with the S-7 zone), CBD-C, CBD-X, S-2, or S-15 zone and results in more than one hundred thousand (100,000) square feet of new floor area, ~~or a new building, or portion thereof, of more than one hundred twenty (120) feet in height.~~
2. Uses. Any project that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty (20) percent:
 - a. Activities:
 - i. Residential Care Residential,
 - ii. Service Enriched Housing Residential,
 - iii. Transitional Housing Residential,
 - iv. Emergency Shelter Residential,
 - v. Extensive Impact Civic,
 - vi. Convenience Market Commercial,
 - vii. Fast-food Restaurant Commercial,
 - viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Section 17.102.210(B),
 - ix. Heavy Manufacturing,
 - x. Small Scale Transfer and Storage Hazardous Waste Management,
 - xi. Industrial Transfer/Storage Hazardous Waste Management,
 - xii. Mining and Quarrying Extractive;
 - b. Facilities:
 - i. Drive-Through,
 - ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.
 - iii. Special Health Care Civic Activities.
3. Special Situations. Any project that involves any of the following situations:
 - a. Any project that requires development of an Environmental Impact Report;
 - b. Any single establishment containing a Commercial or Manufacturing Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;

- c. Off-Street Parking Facilities in the C-40, ~~C-51~~CBD-P, CBD-C, CBD-X, ~~C-52~~ and S-2 zones serving fifty (50) or more vehicles;
- d. Transient Habitation Commercial Activities in the C-40 and C-45 zones;
- e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential zone;
- f. Any project in the OS zone listed as requiring a major conditional use permit in Chapter 17.11;
- g. Any electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
- h. Any conditional use permit application referred by the Director of City Planning to the City Planning Commission for decision pursuant to Section 17.134.040(B)(1);
- i. Any Telecommunications Facility in or within one hundred (100) feet of the boundary of any residential zone;
- j. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of residential zones R-1 through R-60 inclusive.

B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in subsection A of this section.

(Ord. 12501 § 80, 2003; Ord. 12450 § 19, 2002; Ord. 12350 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12237 § 4, 2000; Ord. 12234 § 4, 2000; Ord. 12224 § 7, 2000; Ord. 12205 § 4 (part), 2000; Ord. 12199 § 9 (part), 2000; Ord. 12138 § 4 (part), 1999; Ord. 12078 § 5 (part), 1998; Ord. 12072 § 12, 1998; Ord. 12016 § 2 (part), 1997; Ord. 11904 § 5.91, 1996; Ord. 11892 § 21, 1996; Ord. 11539 § 2, 1993; prior planning code § 9201)

Chapter 17.136

DESIGN REVIEW PROCEDURE

Sections:

- 17.136.010 Title, purpose, and applicability.
- 17.136.020 Application.
- 17.136.025 Exemptions from design review.
- 17.136.030 Small project design review.
- 17.136.035 Small project design review criteria.
- 17.136.040 Regular design review.
- 17.136.050 Regular design review criteria.
- 17.136.055 Special regulations for Historic Properties in the Central Business Zones.
- 17.136.060 Review by Landmarks Board in certain cases.
- 17.136.070 Special regulations for designated landmarks.
- 17.136.075 Postponement of demolition.
- 17.136.080 Appeal to Planning Commission--Regular design review.
- 17.136.090 Appeal to City Council--Regular design review.
- 17.136.100 Adherence to approved plans.
- 17.136.120 Design review related to conditional use permit, planned unit development, variance, or subdivision.
- 17.136.130 Limitation on resubmission--Small project design review.

17.136.040 Regular Design Review.

A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030. Projects requiring regular design 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, or small project design review as set forth in Section 17.136.030;
2. Construction or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
3. New construction of one or two dwelling units, other than a secondary unit;
4. New construction of three or more dwelling units, or adding units to a property for a total of three or more dwelling units on site;
5. New construction of principal facilities in the HBX zone;
6. The creation of any new HBX 'work/live' unit or HBX 'live/work' unit (see Sections 17.65.160 and 17.65.170). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;
7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.102.390;
9. Advertising Signs, and Signs extending above the roofline;

10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Section 17.136.030(B).

B. Pre-Application Review --Regular Design Review. Prior to application for regular design 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 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 or Result in a One- or Two-Unit Residential Facility--Decisions Not Ultimately Appealable to City Council.

1. Decision by the Director of City Planning or the City Planning Commission. An application for regular design review shall be considered by the Director of City Planning. The Director may, at his or her discretion, refer the application to the City Planning Commission for decision rather than acting on it himself or herself. However, if the project requires an Environmental Impact Report, or results in twenty-five thousand (25,000) square feet or more of new floor area and is located in any zone other than the R-80, ~~R-90~~CBD-R, CBD-P (except when combined with the S-7 zone), ~~CBD-C, C-51, C-55~~CBD-X, S-2, 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.

2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set, as the case may be, for decision on the application by the Director, or prior to the date set for a hearing before the Commission, if such is to be held. During the required noticing period, the planning department shall receive and consider comments from any interested party.

3. The Director or the applicant may seek the advice of outside design professionals. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. A determination by the Director shall become final ten calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. In the event that the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. In those cases which are referred to the Commission by the Director, the initial decision of the Commission shall become final ten days after the date of decision.

D. Procedure for Consideration of Regular Design Review Proposals which do not Involve or Result in a One- or Two-Unit Residential Facility--Decisions Ultimately Appealable to City Council.

1. Decision by the Director of City Planning or the City Planning Commission. An application for regular design review shall be considered by the Director of City Planning. The Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.080. However, if the project requires an Environmental Impact Report, or results in twenty-five thousand (25,000) square feet of new 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, R-90, C-51, C-55, S-2, 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.

2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set, as the case may be, for decision on the application by the Director, or prior to the date set for a hearing before the Commission, if such is to be held. During the required noticing period, the planning department shall receive and consider comments from any interested party.

3. The Director or the Commission may seek the advice of outside design professionals. The Director or the Commission, as the case may be, shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.

4. Finality of Decision. A determination by the Director shall become final ten days after the date of initial decision unless appealed to the City Planning Commission in accordance with Section 17.136.080. In those cases which are referred to the Commission by the Director, the initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. In the event that the last day of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal.

E. **Alternative Notification Procedures.** If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections C and D of this section.

(Ord. 12376 § 3 (part), 2001; Ord. 12237 § 4 (part), 2000; Ord. 11816 § 2 (part), 1995; prior planning code § 9305)

17.136.055 Special regulations for Historic Properties in the Central Business Zones.

A. The provisions of this section shall only apply to proposals in the CBD zones.

B. Findings.

1. Any exterior alteration to a character-defining element of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) that: 1) does not match its exterior historical materials or appearance, and 2) is part of the existing building (not part of any proposed addition) shall be required to meet any applicable criteria in Chapter 17.136 and meet findings (a) and (b), below. The determination of whether a project meets these findings requires consultation with Historic Preservation staff.

a. Any replacements of exterior character-defining elements are required because repair is not feasible. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance; and

b. Consultation with Historic Preservation staff has determined that any replacement or repair that differs from the original feature is compatible with the character of the building, Area of Primary Importance (API) or Area of Secondary Importance (ASI), if applicable, and retains the character-defining appearance of the feature.

2. Approval of an application for projects in an API that requires Regular Design Review approval ~~the construction of a new principal building or addition~~ may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and to the following additional criteria:
- a. Any proposed new construction is compatible with the existing API district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - b. New street frontage has forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
 - c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API district contributors or otherwise enhances the visual interest of the API district.
 - d. The proposal is consistent with the visual cohesiveness of the API district. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which *its* relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results;
 - e. Where height is a character-defining element of the API district there are height transitions to any neighboring contributing historic buildings. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. APIs Districts with a character-defining height and their character-defining height level are designated on the zoning maps; and
 - f. For additions, the proposal meets either: 1) Secretary of Interior's standards for the treatment of historic resources; 2) the proposal will not adversely affect the character of the property or API; or, 3) upon the granting of a conditional use permit, (see Chapter 17.134 for the CUP procedure) and a hearing in front of the Landmarks Preservation Advisory Board for its recommendations, a project meets the additional findings in subsection g., below.
 - g. For construction of new principal buildings:
 - i. The project will not cause the API to lose its status as an API;
 - ii. The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors; and
 - iii. The proposal contains elements that relate to the character-defining height of the API, if any, through the use of a combination of upper story setbacks, window patterns, change of materials, prominent cornice lines, or other techniques. APIs Districts with a character-defining height and their character-defining height level are designated on the zoning maps.
3. Approval of an application for a project ~~the construction of a new principal building or addition~~ involving a DHP or PDHP outside of an API that requires Regular Design Review Approval

may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and either meets each criteria (a), (b), **and** (c), ~~(d)~~ or only **(ed)**, below:

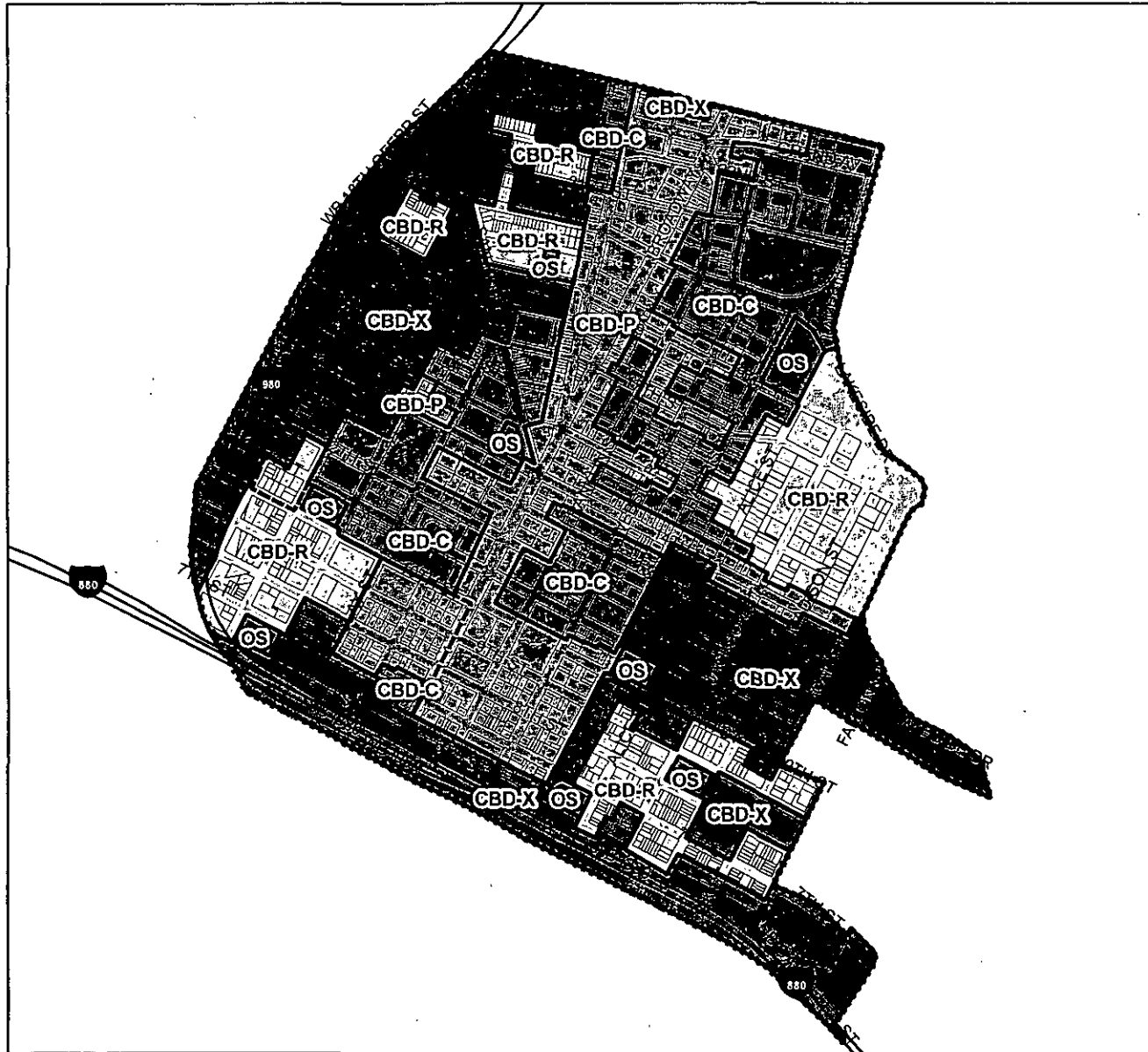
- a. Any proposed new construction is compatible with the existing district and/or building in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
- b. The proposal reflects the quality and visual interest of the building and/or ASI, or otherwise enhances the visual interest of the building or ASI.
- c. The proposal does not **disqualify and ASI** ~~remove a designation of a district as an ASI;~~ and
- d. If a project does not meet either finding (a), (b), or (c), above, approval of applications for projects may still be granted, but only after a hearing in front of the Landmarks Preservation Advisory Board for its recommendations and determination that the proposal meets the following criteria: The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not necessarily limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

C. Required hearings in front of the Landmarks Preservation Advisory Board (LPAB).

1. Prior to project approval, the following projects require a hearing in front of the LPAB for its recommendations and advice to the decision making body:
 - a. Any construction of a new principal building in an API;
 - b. An addition to a API contributor when required by 17.136.055(B)(2)(f).
 - c. With the exception of additions that are not visible from a street or other public area, projects in an API that would result in a building taller than the character-defining height of the district, if any. Districts with a character-defining height and their character-defining height levels are designated on the zoning maps. An addition is considered "visible from a street or other public area" if it is located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area.
 - d. New construction or an addition to a building when required by 17.136.055(B)(3)(d).
 - e. Any proposal involving a Local Register Property that requires Regular Design Review approval.





MPW

EXHIBIT B: PROPOSED ZONING MAP






CENTRAL BUSINESS DISTRICT Proposed Zoning Boundaries

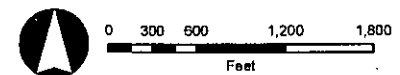
Proposed Zones

-  CBD-P (CBD Pedestrian Retail)
-  CBD-C (CBD Commercial)
-  CBD-X (CBD Mix Commercial)
-  CBD-R (CBD Residential)

Existing Zones (to remain)

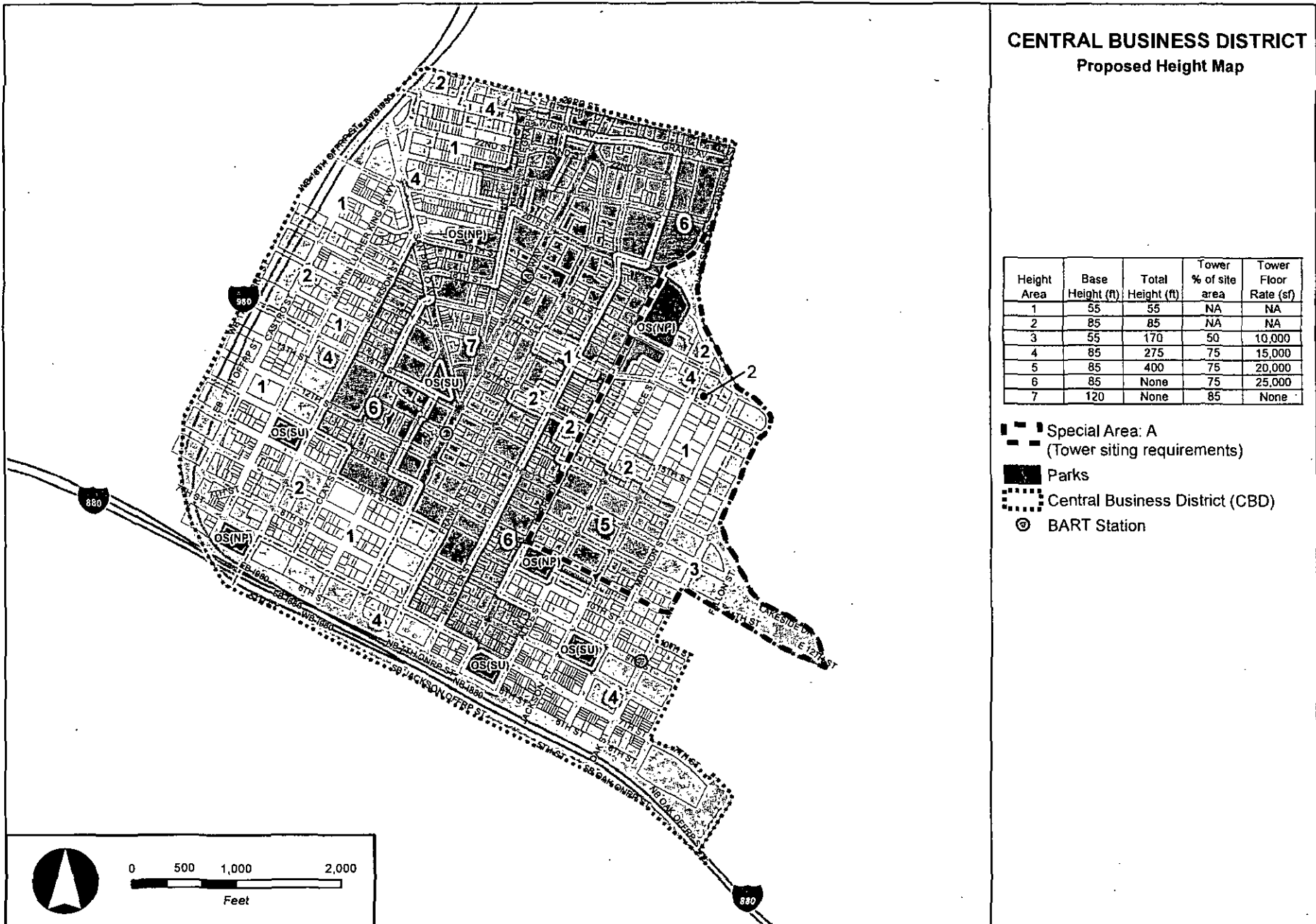
-  S-7 Preservation Combining Zone
-  Open Space Zone
-  Central Business District (CBD)

The proposed zoning Central Business District (CBD) regulations are based on a Zoning District Map and a Height/Intensity/Bulk Map. Refer to the draft CBD regulations zoning chapter for specific regulations associated with each map.



AmPw

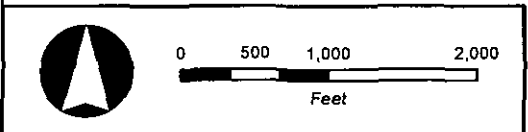
EXHIBIT C: PROPOSED HEIGHT MAP



CENTRAL BUSINESS DISTRICT Proposed Height Map

Height Area	Base Height (ft)	Total Height (ft)	Tower % of site area	Tower Floor Rate (sf)
1	55	55	NA	NA
2	85	85	NA	NA
3	55	170	50	10,000
4	85	275	75	15,000
5	85	400	75	20,000
6	85	None	75	25,000
7	120	None	85	None

- Special Area: A (Tower siting requirements)
- Parks
- ▤ Central Business District (CBD)
- ⊙ BART Station



mpw

**EXHIBIT D: CHANGES TO
GENERAL PLAN GUIDELINES**

The following shows proposed changes to this document. Deletions are in ~~strikeout~~; additions are underlined. Only sections of the guidelines proposed for change are shown in this attachment.



**Guidelines for Determining Project Conformity
With the General Plan and Zoning Regulations**

Adopted by the
City of Oakland
City Planning Commission

May 6, 1998

Amended November 3, 1999 (100-31)
 Amended August 8, 2001
 Amended December 5, 2001
 Amended July 15, 2003
 (Minor typographical changes May 28, 2004)
 Amended October 31, 2006
 Amended (DATE) Amended (DATE)

1. "Best Fit Zone" and Other Possible Zones

Under the conditional use permit provided by Section 17.01.100B of the Planning Code the project in question is to be subject to the "best fit zone" from the Zoning Regulations. Such "best fit zones" (and "other possible zones") are identified in Table 5 or 5A for the various General Plan Land Use Classifications. Where more than one "best fit zone" is identified for a particular Land Use Classification, Section 17.100B stipulates that "the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan." The Director's determination of "best fit zone" cannot be appealed to the City Planning Commission under Section 17.01.080, because it is made in conjunction with a conditional use permit, which allows appeals under the conditional use permit procedures.

In the case where the project sponsor opts for a rezoning, or for a General Plan amendment to match the current zoning, the "best fit zone" or "other possible zones" are allowed in determining which zone or General Plan Land Use Classification to use. The City Planning Commission and City Council make the ultimate determination of which zone to apply since a rezoning requires passage of an ordinance by the Council with a recommendation from the Commission. Specifically, Section 17.144.060 of the Rezoning and Law Change Procedure provides that the Commission "shall consider whether the existing zone ... [is] inadequate or otherwise contrary to the public interest and may approve, modify, or disapprove the application." "If the project sponsor requests one of these other possible zones, the application should fully explain why this other zone is considered preferable to the "best fit zone."

CHARTS, TABLES AND CHECKLISTS

TABLE 2: LAND USE	GENERAL PLAN LAND USE CLASSIFICATIONS														
ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X Clearly Does not Conform	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighb. Center Mixed Use	Community Commercial	Regional Commercial	Business Mix***	Gen. Industrial***	Institutional	Central Business District	Mixed-Use Water f (See Table 5A)	Housing Bus. Mix***	Open Space: RCA	Open Space (Other)
Residential Activities:															
Permanent	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA		NA		
Semi-Transient	X	X	X				X	NA	NA		NA		NA	X	X
Civic Activities:															
Essential Service								NA	NA		NA		NA		
Limited Child-Care								NA	NA		NA		NA		
Nursing Home								NA	NA	✓	NA		NA	X	X
Community Assembly	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA		NA		
Recreational Assembly	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA		NA		
Community Education	✓	✓	✓	✓	✓	✓		NA	NA	✓	NA		NA		
Non-Assembly Cult.	✓	✓	✓	✓	✓	✓	✓	NA	NA	✓	NA		NA		
Administrative					✓	✓	✓	NA	NA	✓	NA		NA		
Residential Care								NA	NA	✓	NA		NA	X	X
Health Care						✓		NA	NA	✓	NA		NA	X	X
Utility and Vehicular								NA	NA		NA		NA		
Extensive Impact								NA	NA		NA		NA		

TABLE 2: LAND USE		GENERAL PLAN LAND USE CLASSIFICATIONS													
ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X Clearly Does not Conform	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighb. Center Mixed Use	Community Commercial	Regional Commercial	Business Mix***	Gen. Industrial***	Institutional	Central Business District	Mixed-Use Water f (See Table 5A)	Housing Bus. Mix***	Open Space:RCA	Open Space (Other)
	Commercial Activities:														
General Food Sales	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA		NA		
Full Service Restaurant	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA		NA		
Limited Service Restaurant	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA		NA		
Convenience Market						✓		NA	NA		NA		NA	X	X
Fast-Food Restaurant	X	X	X					NA	NA		NA		NA	X	X
Alcohol Bev. Sales								NA	NA		NA		NA		
								NA	NA		NA		NA		
Consumer Service				✓	✓	✓	✓	NA	NA		✓ NA		NA	X	X
Mech. or Elect. Games								NA	NA		NA		NA	X	X
Medical Service						✓		NA	NA	✓	NA		NA	X	X
General Retail Sales	✓	✓	✓	✓	✓	✓	✓	NA	NA		NA		NA	X	X
								NA	NA		NA		NA		
Consult. Finan Svc.	X	X				✓	✓	NA	NA		NA		NA	X	X
Consmr Laundry/Rep.	X	X				✓	✓	NA	NA		NA		NA	X	X
Group Assembly	X	X				✓	✓	NA	NA		NA		NA	X	X
Personal Instruction/Imprv	X	X				✓	✓	NA	NA		NA		NA	X	X
Administrative	X	X			✓	✓	✓	NA	NA		NA		NA	X	X
Business/Communic.	X	X			✓	✓	✓	NA	NA		NA		NA	X	X
Broadcasting & Recording	X	X			✓	✓	✓	NA	NA		NA		NA	X	X
Retail Business Sup.	X	X				✓	✓	NA	NA				NA	X	X
Research Service	X	X						NA	NA		NA		NA	X	X
Gen. Wholesale Sales	X	X	X	X	X			NA	NA		NA		NA	X	X
Trans Habitation/B&B							✓	NA	NA		NA		NA	X	X
Building Material Sales	X	X	X	X	X			NA	NA	X	NA		NA	X	X
Auto Sale/Rent/Deliv.	X	X	X	X		✓	✓	NA	NA		NA		NA	X	X
Automobile/Gas/Service	X	X	X			✓	✓	NA	NA		NA		NA	X	X
Automobile Repair/Cleaning	X	X	X	X	X	✓		NA	NA		NA		NA	X	X
Auto Fee Parking	X	X	X					NA	NA		NA		NA	X	X
Taxi & Light Fleet	X	X	X	X	X			NA	NA		NA		NA	X	X
Transport/Warehouse	X	X	X	X	X			NA	NA		NA		NA	X	X
Animal Boarding								NA	NA		NA				

TABLE 2: LAND USE ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X Clearly Does not Conform	GENERAL PLAN LAND USE CLASSIFICATIONS												Mixed-Use Water f (See Table 5A)	Housing Bus. Mix***	Open Space:RCA	Open Space (Other)
	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighb. Center Mixed Use	Community Commercial	Regional Commercial	Business Mix***	Gen. Industrial***	Institutional	Central Business District					
Animal Care								NA	NA		NA		NA			
Undertaking Service	X	X	X					NA	NA		NA		NA	X	X	
Scrap Operation	X	X	X	X	X	X	X	NA	NA	X	NA		NA	X	X	
Manufacturing/Activ:																
Custom	X	X	X	X	X			NA	NA	X	NA		NA	X	X	
Light	X	X	X	X	X			NA	NA	X	NA		NA	X	X	
General	X	X	X	X	X	X	X	NA	NA	X	NA		NA	X	X	
Heavy	X	X	X	X	X	X	X	NA	NA	X	NA		NA	X	X	
Agricultural/Extract:																
Plant Nursery								NA	NA		NA		NA	X	X	
Crop/Animal Raising								NA	NA		NA		NA			
Mining and Quarrying								NA	NA		NA		NA	X	X	
Residential Facilities:																
One-Family Dwelling	✓	✓	✓					NA	NA		NA		NA			
One-Fam. /Secondary	✓	✓	✓					NA	NA		NA		NA	X	X	
One-Fam. w/ Second	✓	✓	✓					NA	NA		NA		NA	X	X	
Two-Family Dwelling	X	X	✓					NA	NA		NA		NA	X	X	
Multi-Family Dwelling	X	X	✓	✓	✓	✓	✓	NA	NA	✓	NA		NA	X	X	
Rooming House								NA	NA		NA		NA	X	X	
Mobile Home								NA	NA		NA		NA	X	X	
Downtown Live Work *	X	X	X	✓	✓	✓	X	NA	NA	✓	NA		NA	X	X	
Nonresidential Facil:																
Enclosed				✓	✓			NA	NA		NA		NA			
Open								NA	NA		NA		NA			
Drive-In	X	X	X					NA	NA		NA		NA	X	X	
Sidewalk Cafe				✓	✓	✓	✓	NA	NA		NA		NA	X	X	
Shopping Center**	X	X	X	X		✓	✓	NA	NA		NA		NA	X	X	
Drive-Through	X	X	X		X	✓	✓	NA	NA		NA		NA	X	X	
Signs:																
Residential								NA	NA		NA		NA	X	X	
Special								NA	NA		NA		NA			
Development								NA	NA		NA		NA	X	X	
Realty								NA	NA		NA		NA	X	X	
Civic								NA	NA		NA		NA			

TABLE 2: LAND USE	GENERAL PLAN LAND USE CLASSIFICATIONS														
ZONING ACTIVITY AND FACILITY TYPES ✓ Conforms w/ General Plan GP Silent or Unclear X Clearly Does not Conform	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighb. Center Mixed Use	Community Commercial	Regional Commercial	Business Mix***	Gen. Industrial***	Institutional	Central Business District	Mixed-Use Waterfront (See Table 5A)	Housing Bus. Mix***	Open Space: RCA	Open Space (Other)
Business								NA	NA		NA		NA		
Advertising								NA	NA		NA		NA	X	X
Telecommunications															
Micro								NA	NA		NA		NA		
Mini								NA	NA		NA		NA		
Macro								NA	NA		NA		NA		
Monopole								NA	NA		NA		NA		
Tower								NA	NA		NA		NA	X	X
Accessory Activ./Facil.															
Live/work			✓					NA	NA	X	NA ✓ *		NA	X	X

* Downtown building conversions to Live/Work are governed by a June 1999 ordinance which regulates and designates a specific downtown area for this type of conversion, regardless of General Plan Land Use Classification. See "Residentially-Oriented Live Work" regulations.

** "Shopping Center" is defined as a Non-residential facility type, but is not listed as permitted or conditionally permitted in any zone. This definition is used in conjunction with 1000' foot rule for Fast-Food Restaurants (Section 17.102.210(E)(1)).

***The permitted, conditionally permitted, and prohibited activities for the Housing and Business Mix, Business Mix, General Industrial and Transportation, and Business Mix, and Central Business District General Plan classifications are always determined by the underlying zoning designation. Zoning designations have been adopted by the City Council to implement these General Plan classifications. The Mixed Use Waterfront Classification is superseded by the Estuary Policy Plan Land Use Classifications. See Table 2A.

TABLE 3

GENERAL PLAN LAND USE CLASSIFICATIONS	MAXIMUM INTENSITY ALLOWED				
	Nonresidential	Residential*			
	Maximum Floor Area Ratio	Maximum Density in Principal Units per Gross Acre	Assumed Net- to-Gross Ratio*	Maximum Density in Principal Units per Net Acre	Minimum Square Feet of Site Area per Principal Unit
Hillside Residential	NA	5	75%	6.67	6,530
Detached Unit Residential	NA	11	75%	14.67	2,969
Mixed Housing Type Residential**	NA	30**	75%	40.0**	1,089**
Urban Residential	NA	125	75%	166.67	261
Neighborhood Center Mixed Use	4.0	125	75%	166.67	261
Community Commercial	5.0	125	75%	166.67	261
Regional Commercial	4.0	125	75%	166.67	261
Business Mix	NA	NA	NA	NA	NA
General Industrial & Transportation	NA	NA	NA	NA	NA
Institutional	8.0	125	75%	166.67	261
Central Business District	20.0 NA	300 NA	60% NA	500.0 NA	87 NA
Mixed Use Waterfront District	See Table 3A	See Table 3A	See Table 3A	See Table 3A	See Table 3A
Housing & Business Mix***	NA	NA	NA	NA	NA
Resource Conservation	NA	NA	NA	NA	NA
Urban Park & Open Space	NA	NA	NA	NA	NA

* If it appears in any given situation that the net-to-gross ratio is significantly different than given here, an individual calculation should be made for the site in question, following the procedure explained in the Density/Intensity Section (C2) of this report.

** In the Mixed Housing Type Residential classification, no project can have a higher density than allowed by its current zoning without a major variance or a rezoning. Under no situation can a project exceed the maximum density permitted under the General Plan, even if the density allowed by the current zoning is greater than the General Plan.

***The density and nonresidential floor area ratio for the Housing and Business Mix, General Industry & Transportation, and Business Mix, and Central Business District classifications are always determined by the underlying zoning designation. Zoning designations have been adopted by the City Council to implement these General Plan classifications.

NA = Not Applicable

ZONES THAT CORRESPOND TO GENERAL PLAN LAND USE CLASSIFICATIONS ● = "Best Fit" Zones ○ = Other Possible Zones	Hillside Residential	Detached Unit Residential	Mixed Housing Type Residential	Urban Residential	Neighb. Center Mixed Use	Community Commercial	Regional Commercial	Business Mix	General Industrial	Institutional	Central Business District	Mix-use Waterf.: See TABLE 5A	Housing/ Bus. Mix*	Open Space: RCA	Open Space: Other
OS (RCA) OS (Rsorce Cons)								NA	NA		NA		NA	●	
OS (*) Open Space (All other)								NA	NA		NA		NA		●
R-10 Estate	●	○	○	○				NA	NA		NA		NA		
R-20 Low Density	●	○	○	○				NA	NA		NA		NA		
R-30 One-Family		●	○	○	○			NA	NA		NA		NA		
R-35 Special One Family			●	○	○			NA	NA		NA		NA		
R-36 Small Lot			●	○	○			NA	NA		NA		NA		
R-40 Garden Apartment			●	○	○			NA	NA		NA		NA		
R-50 Medium Density			●	○	○			NA	NA		NA		NA		
R-60 Medium High density				●	○	○		NA	NA		NA		NA		
R-70 High Density				●	○	○		NA	NA		NA		NA		
R-80 High-Rise Apartment				●	○	○		NA	NA		NA		NA		
R-90 Downtown Apartment								NA	NA		NA●		NA		
C-5 Neighborhood			●	○	●			NA	NA		NA		NA		
C-10 Local Retail			●	○	●			NA	NA		NA		NA		
C-20 Shopping Center					○	○		NA	NA		NA		NA		
C-25 Office				●	○	○		NA	NA		NA		NA		
C-27 Village				○	●			NA	NA		NA		NA		
C-28 Commercial Shopping				○	●			NA	NA		NA		NA		
C-30 District Thoroughfare						○		NA	NA		NA		NA		
C-31 Special Retail				○	●			NA	NA		NA		NA		
C-35 District Shopping								NA	NA		NA		NA		
C-36 Boulevard Service						●	●	NA	NA		NA⊕		NA		
C-40 Community Thorough						●	●	NA	NA		NA⊕		NA		
C-45 Community Shopping						●	●	NA	NA		NA⊕		NA		
C-51 Central Business Service								NA	NA		NA●		NA		
C-52 Old Oakland								NA	NA		NA●		NA		
C-55 Central Core								NA	NA		NA●		NA		
C-60 City Service								NA	NA		NA		NA		
M-10 Special Industry								NA	NA		NA		NA		
M-20 Light								NA	NA		NA		NA		
M-30 General								NA	NA		NA		NA		
M-40 Heavy								NA	NA		NA		NA		
S-1 Medical Center						○		NA	NA	●	NA		NA		
S-2 Civic Center								NA	NA	●	NA⊕		NA		
S-3 Research center								NA	NA		NA		NA		
S-4 Design Review								NA	NA		NA		NA		
S-13 Mixed Use								NA	NA		NA		NA		
S-15 Transit Oriented Devel.					●	○	○	NA	NA		NA		NA		

*There are no best fit zones for the Housing and Business Mix, Business Mix, and General Industrial & Transportation LUTE classifications. Zoning designations have been adopted by the City Council to implement these General Plan classifications.

NA = Not Applicable

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NOTICE AND DIGEST

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO: (A) AMEND THE OAKLAND PLANNING CODE TO CREATE FOUR NEW ZONES FOR THE CENTRAL BUSINESS DISTRICT AND MAKE RELATED TEXT AMENDMENTS; (B) AMEND THE ZONING MAPS TO INCLUDE THE NEW CENTRAL BUSINESS DISTRICT ZONES AND HEIGHT/BULK/INTENSITY AREAS FOR THE CENTRAL BUSINESS DISTRICT; AND (C) AMEND THE DOCUMENT "GUIDELINES FOR DETERMINING PROJECT CONFORMITY WITH THE GENERAL PLAN AND ZONING REGULATIONS" TO REFLECT THE ABOVE CHANGES.

This ordinance provides development standards for areas of the City with a Central Business District General Plan land use classification. This area is generally bounded by I-980 to the west, I-880 to the south, Lake Merritt and Fallon Street to the east, and 23rd Street to the north.