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OAKLAND

APPROVED AS TO FORM AND LEGALITY

Mark P. Wall
City Attorney

2013 JAN - 3 PM 2:24
OAKLAND CITY COUNCIL

ORDINANCE No. 13151 C.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, TO 1) EXTEND THE D-BR BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ZONE REGULATIONS IN OAKLAND PLANNING CODE CHAPTER 17.101C UNTIL FINAL CITY COUNCIL ADOPTION OF THE BROADWAY/VALDEZ DISTRICT SPECIFIC PLAN AND NEW ZONING REGULATIONS; 2) MAKE MINOR CHANGES TO THE D-BR ZONE TEXT, INCLUDING THE ESTABLISHMENT OF A PILOT PROGRAM IN A PORTION OF THE D-BR COMBINING ZONE ONLY TO ALLOW A NEW RESIDENTIAL FACILITY TYPE CALLED MICRO LIVING QUARTERS WITH AN AVERAGE SIZE OF 175 SQUARE FEET PER LIVING QUARTER AND THE POTENTIAL FOR ACCESSORY GROUND FLOOR WORK/LIVE UNITS; AND 3) MODIFY THE ZONING MAP TO REMOVE THE D-BR COMBINING ZONE FROM EXISTING RM MIXED HOUSING TYPE RESIDENTIAL ZONES. THE D-BR ZONE IS CURRENTLY LOCATED FROM 23RD ST. IN THE SOUTH; HIGHWAY 580 IN THE NORTH; WEBSTER ST. AND LOTS ON OR NEAR BROADWAY IN THE WEST; AND BROOK ST., PORTIONS OF VALDEZ ST., 27TH ST., AND HARRISON ST. IN THE EAST.

WHEREAS, in 2007, the Conley Consulting Group prepared a report for the City Redevelopment Agency titled “*Upper Broadway Strategy, a Component of the Oakland Retail Enhancement Strategy*”, which included recommendations about how to attract new retail businesses to Oakland, and identified the upper Broadway corridor as having the potential to develop into a regional retail district; and

WHEREAS, on January 15, 2008, the Oakland City Council adopted Ordinance No. 12850 C.M.S, which established the S-5 Broadway Retail Frontage District Interim Combining Zone as a 3-year interim control lasting until January 15, 2010, in order to give the City time to develop a Specific Plan that would include an area-wide set of development regulations and requirements to facilitate the development of a regional retail center in the Broadway/Valdez area; and to ensure that no uses that conflicted with the retail district envisioned by the City could be established while the Specific Plan was being developed; and applied the S-5 Interim Combining Zone on the Broadway corridor from 23rd Street to the south and Hawthorne Street to the north, in order to ensure that no uses that conflicted with the retail district envisioned could be established while the City developed a Specific Plan for the Broadway Auto Row and Valdez Street area; and

WHEREAS, on February 5, 2008, the Oakland City Council also adopted Ordinance No.12859 C.M.S. as a 3-year interim control lasting until February 5, 2010, which amended the text of the S-5 Interim Combining Zone to require new construction to contain ground floor commercial space, and amended the Zoning Map to expand the S-5 Interim Combining Zone to include the east side of Webster Street between 30th Street and Hawthorne Avenue, and an area around Valdez and 27th Streets; and

WHEREAS, on March 16, 2010, the Oakland City Council adopted Ordinance No.12999 C.M.S., which adopted various Planning Code text amendments - including changing the name of the S-5 Interim Combining Zone to the D-BR Interim Combining Zone, and changing the Oakland Planning Code chapter name and number to the “17.101C. D-BR Broadway Retail Frontage Interim Combining Zone” in order to be consistent with the naming convention and location in the Planning Code of other zoning regulations that applied to specific geographic areas (i.e. Planning Code Chapters 17.101A through 17.101.D relating to the Wood Street, Oak-to-Ninth, Broadway Retail and Kaiser Permanente Districts, respectively); and

WHEREAS, on March 1, 2011, the Oakland City Council adopted Ordinance No.13059 C.M.S., which extended the D-BR Broadway Retail Frontage District Interim Combining Zone Regulations through February 15, 2013 or until City Council adoption of the Broadway/Valdez District Specific Plan, whichever came first; and made changes to the D-BR Zone text, including the D-BR Zone may be combined with any other zone, not just a commercial zone; and

WHEREAS, the D-BR Combining Zone sets restrictions on allowed uses and design standards (among other requirements), in order to preserve new ground level facilities and activities for retail use consistent with the retail district envisioned by the City; and

WHEREAS, the D-BR Combining Zone is currently set to expire on February 15, 2013; and

WHEREAS, more time than was originally projected is needed to complete the Specific Plan due, in part, to the additional tasks that are now necessary to complete the Specific Plan and Environmental Impact Report (EIR) in order to prepare a legally defensible Environmental Impact Report (EIR) in compliance with the provisions of the California Environmental Quality Act (CEQA), and to expedite implementation of the Specific Plan, including, but not limited to: additional environmental analysis, additional study of financing strategies because of the elimination of Redevelopment, additional intersections at a level to provide environmental clearance, and additional work to create a more detailed development program; and

WHEREAS, an extension of the interim D-BR controls is necessary in order to continue to ensure that no uses, building, and site design that conflict with the retail district envisioned by the City may be established while the Specific Plan is being developed; and

WHEREAS, the extension of the interim D-BR controls is also necessary to allow for the establishment of a pilot program within a portion of the D-BR Zone only that would allow the city to consider applications for a new kind of market-rate rental housing called “Micro Living Quarters”, with living areas small enough to be “affordable by design”, along with new “Work/Live” units as an accessory facility on the ground floor only of a new principal facility containing Micro Living Quarters (the “proposal”); and

WHEREAS, the City Planning Commission conducted a duly noticed public hearing on December 5, 2012, and recommended approval to the City Council of the proposal with some minor changes; and

WHEREAS, the Community and Economic Development Committee conducted a public meeting on January 8, 2013, and recommended approval to the City Council of the proposal; and

WHEREAS, the Oakland City Council conducted a duly noticed public hearing on January 15 2013 to consider the proposal; and

WHEREAS, the proposal relies on the previously certified Final Environmental Impact Reports (EIR) for the Land Use and Transportation Element of the General Plan (1998) and no further environmental review is required. 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); now, therefore

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

Section 1. The City Council finds and determines that the recitals above are true and correct and are an integral part of this Ordinance.

Section 2. Planning Code Chapter 17.101C (D-BR Broadway Retail Frontage District Interim Combining Zone Regulations) of the Oakland Planning Code is hereby amended as detailed in **Exhibit A**, attached hereto and hereby incorporated by reference.

Section 3. The Zoning Map for the D-BR Broadway Retail Frontage District Interim Combining Zone Regulations is amended to remove the D-BR Interim Combining Zone from the RM Mixed Housing Type Residential zones, and to add the Micro Living Quarters Pilot Program Area, which is defined by the area bound by the Broadway, 26th Street, Valdez Street, and 23rd Street rights of way, as detailed in **Exhibit B** attached hereto and hereby incorporated by reference.

Section 4. The controls imposed by this ordinance shall remain in place and be effective until the City Council adopts a Specific Plan for the Broadway/Valdez District Area and new Zoning Regulations.

Section 5. For the term of this ordinance, as set for the in Section 4 above, the provisions of this ordinance shall govern, and to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

Section 6. This ordinance shall be effective immediately upon its adoption by the City Council, subject to the provisions of Section 213 of the Charter of the City of Oakland, but shall not apply to building/construction-related permits already issued and not yet expired.

Section 8. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 5 2013

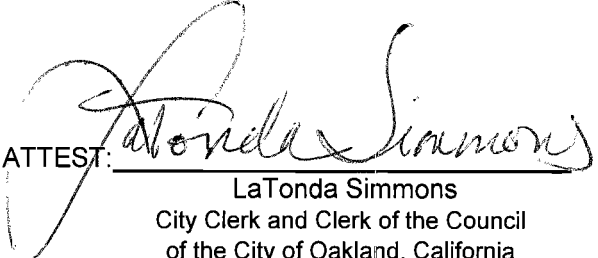
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, KALB, KAPLAN, KERNIGHAN, MCELHANEY, SCHAAF, and ~~PREZUMPTIVE~~ REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

DATE OF ATTESTATION: 2/13/13

Introduction Date **JAN 22 2013**

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AMENDMENTS TO OAKLAND PLANNING CODE

The following are proposed text changes to the Planning Code. Additions to the code are underlined; deletions are in ~~strikeout~~.

Title 17

PLANNING

Chapters:

17.101C D-BR Broadway Retail Frontage District Interim Combining Zone Regulations

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Chapter 17.101C - D-BR BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ZONE REGULATIONS

Sections:

- 17.101C.010 - Title, purpose, and applicability.
- 17.101C.020 - Expiration for D-BR zone.
- 17.101C.030 - Zones with which the D-BR zone may be combined.
- 17.101C.040 - Relationship to base zone.
- 17.101C.050 - Required design review process.
- 17.101C.060 - Permitted and conditionally permitted activities.
- 17.101C.065 – Micro Living Quarters.
- 17.101C.070 - Special regulations regarding facilities on the ground level of principal facilities.
- 17.101C.080 - Special ground floor height regulation.
- 17.101C.090 - Building location.
- 17.101C.100 - Special regulations applying to new construction over 10,000 square feet.

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17.101C.010 - Title, purpose, and applicability.

The provisions of this chapter shall be known as the D-BR Broadway Retail Frontage District Interim Combining Zone Regulations. The D-BR zone is intended to create, preserve, and enhance ground level retail opportunities within the Broadway/Valdez Retail District area north of the Central Business District. These interim regulations anticipate the adoption of more comprehensive and detailed regulations and a plan to attract retail opportunities within the Broadway/Valdez Retail District area.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.020 - Expiration for D-BR zone.

The regulations contained in the D-BR zone shall remain in place and be effective through February 15, 2013, or until the City Council adopts a specific plan and new zoning regulations for the Broadway/Valdez Retail District. ~~whichever comes first.~~

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.030 - Zones with which the D-BR zone may be combined.

The D-BR zone may be combined with any other zone.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.040 - Relationship to base zone.

The regulations in the D-BR zone are supplementary to the regulations applying in the zone or zones with which the D-BR zone is combined. Whenever any provision of the D-BR zone imposes overlapping or contradictory regulations with those contained in the applicable base zone, or contains restrictions covering any of the same subject matter, the provision within the D-BR zone shall control, except as otherwise expressly provided in the zoning regulations.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

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17.101C.050 - Required design review process.

Except for projects that are exempt from design review as set forth in Section 17.136.025, no ~~Building Facility~~, Designated Historic Property, Potentially Designated Historic Property, ~~Building Facility~~, Telecommunications Facility, Sign, or other associated structure in the ~~D-BR combining zone~~ shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.1285, or the Sign regulations in Chapter 17.104.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.060 - Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101C.01 Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zone D-BR</u>	<u>Additional Regulations</u>
Residential Activities		
Permanent Residential	C(L1)(L2)	17.101C.070
Residential Care occupying a One-Family Dwelling Residential Facility	C(L1)(L2)	17.101C.070 and 17.102.212
Residential Care not occupying a One-Family Dwelling Residential Facility	G(L4)	
Service-Enriched Permanent Housing	C(L1)(L2)	17.101C.070 and 17.102.212
Transitional Housing	C(L1)(L2)	17.101C.070 and 17.102.212
Emergency Shelter	—	17.102.212
Semi-Transient Residential	—	17.102.212
Bed and Breakfast	C(L2)	17.10.125
Civic Activities		
Essential Service	P	
Limited Child-Care	PG(L24)	
Community Assembly	PG(L24)	
Recreational Assembly	PG(L34)	
Community Education	P(L24)	
Nonassembly Cultural	P	
Administrative	P(L34)	
Health Care	C	

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Special Health Care	—	17.102.390
Utility and Vehicular	—	
Extensive Impact	—	
Commercial Activities		
General Food Sales	P	
Full Service Restaurant	P	
Limited Service Restaurant and Cafe	P	
<u>Fast-Food Restaurant</u>	C	17.102.21 and 8.09
Convenience Market	C	17.102.210
Fast-Food Restaurant	C	
Alcoholic Beverage Sales	C	17.102.210
Mechanical or Electronic Games	—	17.102.210
Medical Service	P(L42)	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P	
Consumer Dry Cleaning Plant	C	
Group Assembly	C	
Personal Instruction and Improvement Services and Small Scale Entertainment	CP(L4)	
Administrative	P(L34)	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Retail Business Activity	C	
Research Service Center	—	
General Wholesale Sales	—	
Transient Habitation	—	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	—(L53)	17.114.050 (A)
Automotive and Other Light Vehicle Repair and Cleaning	—(L53)	17.114.050 (A)
Taxi and Light Fleet-Based Service	—	
Automotive Fee Parking	C(L6)	
Transport and Warehousing	—	
Animal Boarding Care	C	
Animal Care Boarding	C	
Undertaking Service	—	
Scrap Operation	—	17.102.210
Industrial Activities	All Industrial Activities prohibited in these zones	

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Agricultural and Extractive Activities	All Agricultural and Extractive Activities prohibited in these zones	
<u>Crop and Animal Raising</u>	—	
<u>Plant Nursery</u>	=	
<u>Mining and Quarrying</u>	=	
<u>Accessory Off-street parking serving prohibited activities, other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.102.100</u>	C	17.102.100
<u>Additional activities which <u>that</u> 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.</u>	C	17.102.110

Limitations:

L1 - No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.

L2 - These activities shall not be located on the ground floor of a building on a lot with a property line that abuts the facing Broadway or 27th Street right of way, except for incidental pedestrian entrances that lead to one of these activities in stories above the ground floor.

L3 - These activities shall not be located within the front thirty (30) feet of the ground floor of a building facing Broadway or 27th Street right of way, except for incidental pedestrian entrances that lead to one of these activities in stories above the ground floor.

L42 - These activities may only be located on the ground floor of a building on a lot that has a property line abutting the facing Broadway or 27th Street right of way upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure), and shall conform to the additional criteria contained in Section 17.25.030. However, incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are permitted without the granting of a Conditional Use Permit.

L53 - Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity may only occur no later than six (6) months after discontinuation of such a activity, per Section 17.114.050(A).

L6 - Auto fee parking may only be permitted upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure), and 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.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.065 – Micro Living Quarters.

A. Definition. For the purposes of the D-BR interim combining zone chapter only, the following definition is added as a facility type. Definitions for other facility types are contained in the Oakland Planning Code Chapter 17.10.

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1. “Micro Living Quarters” mean one or more rooms located in a multiple-tenant building having an average net floor area of one hundred seventy-five (175) square feet, but a minimum size of one hundred fifty (150) square feet of net floor area, and occupied by a permanent residential activity. Bathroom facilities, which include toilet and sink, as well as shower and/or bathtub, are required to be located within each individual Micro Living Quarter. Cooking facilities are not required to be located within each individual Micro Living Quarter, as long as shared kitchen facilities are provided within close proximity on the same building floor. The maximum number of Micro Living Quarters within a building shall not be regulated by residential density limits in the corresponding zone, but instead shall be established through the application of the Micro Living Quarters required average size (one hundred seventy five (175) square feet); the Floor Area Ratio (FAR) limits specified in the corresponding zone that normally apply only to non-residential facilities; all other applicable development regulations establishing the buildable envelope in the corresponding zone including, but not limited to, maximum height and minimum setbacks; and the requirements of the Building and Fire Codes.
 - a. As an exception to the regulations specified elsewhere in the Planning Code, including but not limited to Section 17.102.190, and to the special regulations in Section 17.101C.070 regarding facilities on the ground level of principal facilities, new “Work/Live” units may be permitted as an accessory facility on the ground floor only of a principal facility containing Micro Living Quarters upon the granting of a Conditional Use Permit for such Micro Living Quarters facility. Such accessory ground floor “Work/Live” units must meet all applicable regulations contained in this subsection.
 - i. Work/Live space shall be considered Commercially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of work/live units shall: (1) clearly state that the proposal includes Commercially Oriented Joint Living and Working Quarters, and (2) label the units intended to be these units as Commercially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow commercial activities in Work/Live units.
 - ii. Work/Live units are nonresidential facilities and count towards the nonresidential Floor Area Ratio (FAR), not the residential density.
 - iii. The Work/Live units on the ground floor level of a building shall have a business presence on the street. This includes, but is not necessarily limited to, providing storefront-style windows that allow interior space to be visible from the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.
 - iv. Each Work/Live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor entering this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the Work/Live unit.
 - v. The layout of each Work/Live unit shall have a maximum of one-third residential floor area (which is considered areas containing bedrooms, sleeping areas, kitchen areas, bathrooms, and hallways serving such areas), and two-thirds non-residential floor area (which is considered areas designated for working). Non-residential floor area and residential floor area shall be separated by an interior wall, or a partition that can be opened and closed.
 - vi. Each Work/Live unit shall contain at least one tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.

B. General Provisions. Micro Living Quarters may only be permitted upon the granting of a Conditional Use Permit (CUP) pursuant to the Conditional Use Permit procedure in Chapter 17.134; and may only be located in the Micro Living Quarters Pilot Program Area, which is defined for the purposes of

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this chapter only as the portion of D-BR interim combining zone area bound by the Broadway, 26th Street, Valdez Street, and 23rd Street rights of way.

1. The number of off-street parking spaces, bicycle parking, and amount of open space required for Micro Living Quarters shall be based on the requirements for a comparative Rooming House residential facility type in the corresponding zone.
 - a. Due to the location of the Micro Living Quarters Pilot Program Area within a ¼ mile of a BART station, an AC Transit trunk line, the B on Broadway shuttle, as well as park and publicly accessible open space areas, the parking and open space requirements for Micro Living Quarters may be reduced, modified, or waived by the Director of City Planning or approving body, subject to the provisions in subsection 2b below.
 - b. Any determination on a waiver or reduction in the parking requirement; or reduction or modification to the open space requirement, including but not limited to allowing any amount of the open space to be located on the roof, shall be based upon finding as part of the Conditional Use Permit procedure specified in subsection C below that:
 - i. Any waiver or reduction in off-street parking requirements would not substantially contribute to traffic congestion or impair the efficiency of on-street parking; and
 - ii. One or more of the following substitutions for car parking or combination thereof may be used, as prescribed by the Director of City Planning or approving body:
 - aa. Bicycle parking above existing City requirements;
 - bb. Assistance with public transportation passes for residents;
 - cc. Providing access to car-share on site or nearby;
 - dd. Other transit-oriented measures to support alternative modes of travel other than by car; and
 - iii. The provision for sunlight, fresh air, and usable open space on site or in close vicinity would be sufficient to ensure a desirable living arrangement.
2. Micro Living Quarters shall only be allowed as part of an application for new construction of a multi-tenant building, or alteration of an existing Potentially Designated Historic Property (PDHP) or property listed in the City of Oakland's Local Register of Historical Resources as defined in Policy 3.8 of Oakland's General Plan Historic Preservation Element that is a nonresidential facility or multifamily dwelling residential facility.
3. Shared recreational area, with seating or other similar amenities, shall be required in the interior of the Micro Living Quarter building equaling a minimum of five (5) square feet per individual Micro Living Quarter or two hundred fifty (250) sq ft, whichever is greater. A shared kitchen may be open to shared recreation area if it is adjacent to and directly accessible from such shared kitchen facilities. Kitchen counters, cabinets, sinks and appliances, and the floor area that encompasses an assemblage of these items shall not be included in the calculation of minimum required shared recreational area. Shared laundry facilities or other similar utilitarian spaces shall also not be included in the calculation of minimum required shared recreational area. The minimum width in this shared recreational area shall be twelve (12) feet. The interior shared recreational area shall be accessible to all tenants of the Micro Living Quarter building.
4. All common space including but not limited to shared kitchens, interior recreational area, and outdoor open space, shall be maintained by the building management company.
5. Demolition of a property listed in the City of Oakland's Local Register of Historical Resources as defined in Policy 3.8 of Oakland's General Plan Historic Preservation Element is not allowed in order to build Micro Living Quarters.

C. Use Permit Criteria. A Conditional Use Permit for Micro Living Quarters may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the

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Conditional Use Permit procedure in Chapter 17.134, and to the following additional use permit criteria:

1. That the proposal will not detract from the character desired for the area;
2. That the proposal will not impair a generally continuous wall of building facades;
3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
4. That the proposal will not interfere with the movement of people along an important pedestrian street; and
5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

17.101C.070 - Special regulations regarding facilities on the ground level of principal facilities.

- A. This section shall only apply to lots that have a property line abutting either the Broadway, Valdez Street, 23rd Street, 24th Street, 26th Street, 27th Street, or Bay Place right of way.
- B. For the purposes of this section, the front of a building on lots abutting more than one street shall be that side facing the most prominent street. The following is a ranking of the prominence of streets in the D-BR zone, from most prominent to least prominent: Broadway, 27th Street, Bay Place, Valdez Street, 24th Street, Webster Street, Harrison Street, 23rd Street, 26th Street, and then all other streets.
- C. Except upon the granting of a conditional use permit (see subsection E of this section), only principal nonresidential facilities (excluding joint living and working quarters) shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on a corner lot that abuts the Broadway right of way.
- D. Except upon the granting of a conditional use permit (see subsection E), only principal non-residential facilities (excluding joint living and working quarters) and a maximum one driveway shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on an interior lot that abuts the Broadway right of way. This driveway shall be a maximum nineteen (19) feet in width and lead to parking that is at least thirty (30) feet from the front of the building.
- E. Upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, twenty percent (20%) of the width of the front thirty (30) feet of the ground floor of a new principal facility may contain required parking. This Conditional Use Permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and the following additional criterion:
 1. That the requirements contained in subsections C or D of this section are infeasible due to lot dimensions, topographic features, or other site constraints.
- F. The ground level of Broadway facing facades of new principal facilities shall have a store front appearance defined by at least the following design elements:
 1. An ample amount of street-facing ground level building facade comprised of clear, non-reflective windows that allow views of indoor commercial space. This includes:
 - a. A minimum of sixty percent (60%) of the front building facade between three and one-half (3½) feet and ten (10) feet in height comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. The total area of the front building facade shall not include the area with the driveway;
 - b. The bottom of any window or product display window being no more than four (4) feet above the abutting sidewalk; and

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- c. Product display windows used to satisfy that are a minimum height of four and one-half (4½) feet and internally lighted.
2. A prominent and primary entrance feature facing Broadway; and
3. An area designated for signage.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.080 - Special ground floor height regulation.

The minimum height from the sidewalk grade to the ground floor ceiling of newly constructed principal facilities shall be fourteen (14) feet. This regulation does not apply to additions to existing buildings.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.090 - Building location.

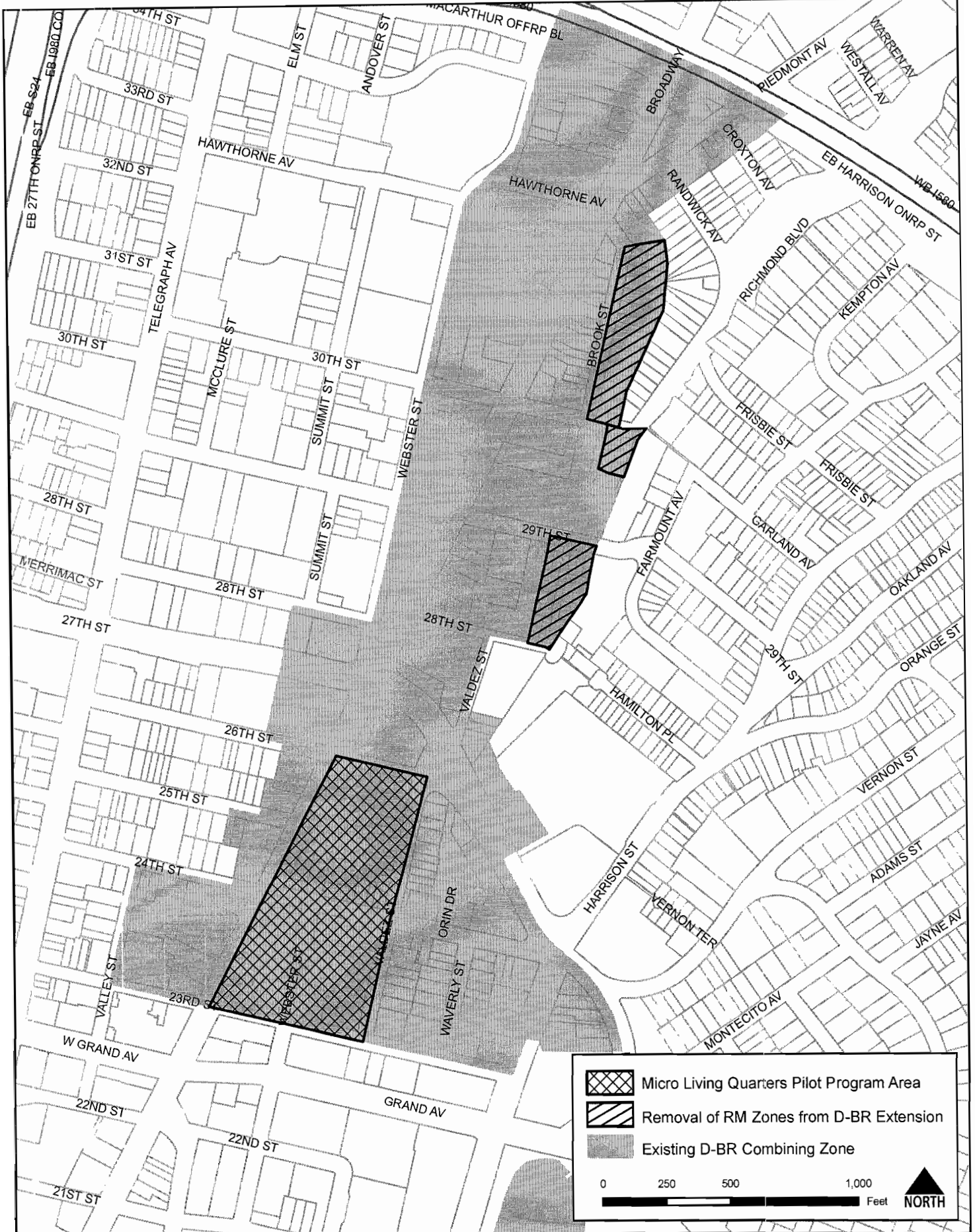
The entire building facade that faces Broadway shall be located within five (5) feet of the sidewalk. This standard shall not apply to plazas, recessed entrances, parks, or space designed to accommodate sidewalk seating areas for restaurants, cafes, and similar businesses. No more than fifty percent (50%) of a building frontage shall qualify for the exception for plazas, recessed entrances, or sidewalk seating areas.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.100 - Special regulations applying to new construction over 10,000 square feet.

New construction shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)



City of Oakland, Department of Planning, Building and Neighborhood Preservation



D-BR BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ZONE