

City Attorney

INTRODUCED BY COUNCILMEMBER _____

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE, AMENDING THE OAKLAND PLANNING CODE TO CREATE THE D-LM LAKE MERRITT STATION AREA DISTRICT ZONE REGULATIONS AND MAKE CONFORMING CHANGES TO OTHER PLANNING CODE SECTIONS, AS WELL AS ADOPTING ZONING AND HEIGHT AREA MAPS.

WHEREAS, on April 16, 2009, the Oakland City Council adopted Resolution No. 82090 C.M.S. which authorized the City Administrator to enter into a Professional Services contract with Dyett & Bhatia to prepare a Specific Plan and Environmental Impact Report for the Lake Merritt BART Station Area; and

WHEREAS, as part of the public outreach effort, five community workshops were held between April 2010 and December 2012; four focus groups ("Neighborhood Teas") were held between December 2010 and April 2011; as well as eight Community Stakeholder Group (CSG) meetings, four Technical Advisory Committee (TAC) meetings, and two combined SCG and TAC meetings were held; and

WHEREAS, the Lake Merritt Station Area Plan (LMSAP) includes (a) amendments to the 1998 General Plan to increase the allowable Floor Area Ratios and to update the land use map to accommodate compatible uses; (b) new design guidelines to ensure that future development contributes to the creation of an attractive, pedestrian-oriented district characterized by high quality design and a distinctive sense of place; and

WHEREAS, City Planning staff have proposed (a) five new Lake Merritt Station Area Plan District zones to replace the existing zoning in the area to implement the LMSAP, as well as make changes associated to the new Lake Merritt Station Area Plan District zones throughout the Planning Code, as well as related changes to the Zoning and Height Maps; (b) amendments to the Off-Street Parking Chapter of the Planning Code to have specific parking regulations for the Lake Merritt Station Area Plan District zones to implement the LMSAP; and

WHEREAS, between December 2012 and January 2013, the Draft Lake Merritt Station Area Plan, Design Guidelines, draft zoning concepts, including Zoning and Height Area Maps, draft General Plan Amendments the full Planning Commission and various advisory boards, including the Landmarks Preservation Advisory Board, the Zoning Update and Design Review Committees of the Planning Commission, as well as the Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee, each of which provided comments unique to their topic area; and

WHEREAS, on March 1, 2012, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the LMSAP was published; and

WHEREAS, two duly noticed Draft EIR scoping hearings were held, one before the Landmarks Preservation Advisory Board on March 12, 2012 and the second before the City Planning Commission on March 21, 2012, to receive comments on the scope and content of the Draft EIR for the LMSAP; and

WHEREAS, a Notice of Availability/Notice of Release of a Draft EIR was issued on October 24, 2013, along with publication of Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, three duly noticed public hearings on the Draft EIR were held including: a Landmarks Preservation Advisory Board public hearing on November 18, 2013, and two City of Oakland Planning Commission hearings on November 20, 2013 and on December 4, 2013; and

WHEREAS, on July 21, 2014, a Notice of Availability/Release of a Final EIR and Specific Plan was issued, and a Final EIR and Specific Plan were published on July 28, 2014, both of which were made available for public review and comment; and

WHEREAS, on August 11, 2014 a duly noticed public hearing was held before the Landmarks Preservation Advisory Board (LPAB) to consider the Final LMSAP, Related Documents and EIR and the LPAB recommended approval, with minor revisions; and

WHEREAS, on October 8, 2014 a duly noticed public hearing was held before the City Planning Commission to consider the Final LMSAP, Related Documents and EIR; and

WHEREAS, the City Planning Commission, after conducting and closing the public hearing, (a) adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR, rejecting alternatives as infeasible, and adopting a Statement of Overriding Considerations; (b) adopted the LMSAP Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) recommended the City Council adopt, **with revisions**, the LMSAP, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the LMSAP Adoption Findings; and (d) recommended that City Council authorize the City Administrator or designee to make minor ongoing revisions to the adopted Design Guidelines (with major changes to be made by the Planning Commission) and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Lake Merritt Station Area Plan District zones (which are essentially correction of typographical and/or clerical errors); and

WHEREAS, the LMSAP, Related Documents and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on October 28, 2014, and the Committee recommended adoption of the Plan, and Related Documents; and

WHEREAS, the LMSAP, Related Documents and EIR were considered at a regular, duly noticed, public hearing of the City Council on October 7, 2014; 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. The City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the LMSAP EIR and the CEQA findings of the City Planning Commission contained in the approved October 8, 2014, City Planning Commission Report.

Section 3. The City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates by reference into this Ordinance (as if fully set forth herein) all the CEQA findings contained in the approved October 8, 2014, City Planning Commission Report prior to taking action in approving the amendments to Planning Code, Oakland Zoning Map and Height Area Map.

Section 4. The City Council adopts and incorporates by reference into this Ordinance (as if fully set forth herein), as conditions of approval of the LMSAP, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) contained in the approved October 8, 2014, City Planning Commission Report.

Section 5. Title 17 of the Oakland Planning Code is hereby amended, as detailed in *Exhibit A*, to (a) create new zones for the Lake Merritt Station Area; (b) make related text amendments to Chapter 17.116 Off-Street Parking and Loading Requirements; (c) make related text amendments to Chapter 17.58 CBD Central Business District Zone Regulations; and (d) make related text amendments to the following Planning Code sections: 17.108.080 Minimum side yard opposite living room windows; 17.134.020 Definition of major and minor conditional use permits; 17.136.040.D Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council; and 17.136.055 Special regulations for historic properties in the Central Business District zones; all attached hereto and hereby incorporated by reference.

Section 6. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), including omnibus cross-referencing conforming changes through-out the Planning Code, prior to formal publication of the Amendments in the Oakland Planning Code.

Section 7. The Oakland Zoning Map and Height Area Maps are hereby amended to map the new Lake Merritt Station Area District zones and Height Areas as indicated in *Exhibit B*, attached hereto and hereby incorporated herein by reference.

Section 9. 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; (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 10. 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 11. The provisions of this Ordinance are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Ordinance [that can be given effect without the invalid provision or application] and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Ordinance irrespective of the invalidity of any particular portion of this Ordinance.

Section 12. The City Council adopts and incorporates by reference into this Ordinance (as if fully set forth herein), the Adoption Findings contained in the approved October 8, 2014, City Planning Commission Report, including without limitation finding and determining that the existing zoning for the Lake Merritt Station Area is inadequate and contrary to public interest and that the proposed zoning will implement the policies presented in the Lake Merritt Station Area Plan (as amended by this planning process) and create certainty for the developers and the public regarding the City's expectations for new development.

Section 13. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the LMSAP, Design Guidelines, General Plan and Planning Code Amendments including all accompanying maps, papers and appendices;
2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the LMSAP and attendant hearings;
3. all oral and written evidence received by the LPAB, City Planning Commission and City Council during the public hearings on the LMSAP; and all written evidence received by the relevant City Staff before and during the public hearings on the LMSAP; and
4. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and 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 14. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department –Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California.

Section 15. The Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

DATE OF ATTESTATION: _____

NOTICE & DIGEST

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO CREATE THE D-LM LAKE MERRITT STATION AREA DISTRICT ZONE REGULATIONS AND MAKE CONFORMING CHANGES TO OTHER PLANNING CODE SECTIONS, AS WELL AS ADOPTING ZONING AND HEIGHT AREA MAPS.

This Ordinance creates (a) new zones for the Lake Merritt Station Area; (b) makes related text amendments to Chapter 17.116 Off-Street Parking and Loading Requirements; (c) makes related text amendments to Chapter 17.58 CBD Central Business District Zone Regulations; and (d) makes related text amendments to the following Planning Code sections: 17.108.080 Minimum side yard opposite living room windows; 17.134.020 Definition of major and minor conditional use permits; 17.136.040.D Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council; and 17.136.055 Special regulations for historic properties in the Central Business District zones; all attached hereto and hereby incorporated by reference.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2014 OCT 16 AM 8:38

Amendments to Title 17 - Planning Code: additions to the chapter are underlined; deletions are in ~~strikeout~~.

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

Sections:

17.101G.010 Title, purpose, and applicability.

17.101G.020 Required design review process and pre-application review.

17.101G.030 Permitted and conditionally permitted activities.

17.101G.040 Permitted and conditionally permitted facilities.

17.101G.050 Property development standards.

17.101G.060 Usable open space standards.

17.101G.070 Special regulations for large scale developments.

17.101G.080 Other zoning provisions.

17.101G.010 Title, purpose, and applicability.

A. Intent. The provisions of this Chapter shall be known as the D-LM Lake Merritt Station Area District Zones regulations. The intent of the D-LM regulations is to implement the Lake Merritt Station Area Plan. Development in this district shall be consistent with the Lake Merritt Station Area Plan, of a high quality design, and include active ground floor uses where appropriate and feasible. The objectives of the Lake Merritt Station Area Plan are to:

1. Create a more active and vibrant Lake Merritt Station Area District to serve and attract residents, businesses, students, and visitors;
2. Increase activity and vibrancy in the area by encouraging vital retail nodes that provide services, restaurants, and shopping opportunities;
4. Improve connections between the Lake Merritt Station Area District and major destinations outside the area;
5. Improve safety and pedestrian-orientation;
6. Accommodate the future population, including families;
6. Increase the number of jobs and improve the local economy;
7. Identify additional recreation and open space opportunities and improve existing resources;
8. Encourage and enhance a pedestrian-oriented streetscape.

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

1. **D-LM-1 Lake Merritt Station Area District Mixed Residential Zone-1.** The intent of the D-LM-1 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible commercial activities.
 2. **D-LM-2 Lake Merritt Station Area District Pedestrian Commercial Zone-2.** The intent of the D-LM-2 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.
 3. **D-LM-3 Lake Merritt Station Area District General Commercial Zone-3.** The intent of the D-LM-3 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended to be available for a wide range of residential, office, or other commercial activities.
 4. **D-LM-4 Lake Merritt Station Area District Mixed Commercial Zone-4.** The intent of the D-LM-4 zone is to designate areas of the Lake Merritt Station Area Plan District appropriate for a wide range of residential, commercial, and compatible light industrial activities.
 5. **D-LM-5 Lake Merritt Station Area District Institutional Zone-5.** The intent of the D-LM-5 zone is to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses.
- C. **Definition of corridor types.** For the purposes of this Chapter only, the following definitions shall be utilized to apply special land use regulations and development standards to properties fronting the following two types of street corridors:
1. **Commercial Corridor.** The intent of regulations related to properties fronting “Commercial Corridors” is to maintain and promote an existing pattern of continuous ground floor commercial activities and facilities along the subject corridor. The following streets are designated as Commercial Corridors: 14th Street (between Franklin and Oak Streets), 9th Street (between Broadway and Harrison Street, and between Madison and Fallon Streets), 8th Street (between Broadway and Harrison Street, and between Madison and Fallon Streets), Oak Street (between 8th and 9th Streets), Harrison Street (between 7th and 11th Streets), Webster Street (between 7th and 11th Streets), Franklin Street (between 7th and 11th Streets), and Broadway (between 7th and 10th Streets).
 2. **Transitional Commercial Corridor.** The intent of regulations related to properties fronting “Transitional Commercial Corridors” is to expand the amount of ground floor commercial activities and facilities along the subject corridor. The following streets are designated as Transitional Commercial Corridors: International Boulevard (between 1st and 4th Avenues), East 12th Street (between 1st and 4th Avenues), 8th Street (between Harrison and Madison Streets), 9th Street (between Harrison and Madison Streets), 1st Avenue (between East 12th Street and International Boulevard), Oak Street (between 5th and 8th Streets, and between 9th and 14th Streets), Harrison Street (between 11th and 14th Streets), Webster Street (between 11th and 14th Streets, and between 5th and 7th Streets), Franklin Street (between 11th and 14th Streets, and between 5th and 7th Streets), and Broadway (between 5th and 7th Streets).

17.101G.020 Required design review process and pre-application review.

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the Design Guidelines for the Lake Merritt Station Area Plan is required for any proposal in the D-LM zones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the Design Guidelines for the Lake Merritt Station Area Plan, the design objectives in the Design Guidelines for the Lake Merritt Station Area Plan shall prevail.
- D. Pre-Application Review—Discretionary Approvals. Prior to any Planning application involving an Opportunity Site identified in the Lake Merritt Station Area Plan which requires one or more discretionary approvals (including, but not limited to, regular design review, conditional use permit, variance, and/or subdivision), the applicant, or his or her representative, shall submit for a pre-application review of the proposal by a representative of the City Planning Department. During the pre-application review, City staff will provide information about applicable Lake Merritt Station Area Plan objectives and design guidelines.

17.101G.030 Permitted and conditionally permitted activities.

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the D-LM zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101G.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>Residential Activities</u>						
<u>Permanent</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>P</u>	

Activities	Zones					Additional Regulations
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>Residential Care</u>	<u>P(L1)(L2)</u>	<u>P(L1)(L2)</u>	<u>P(L1)(L2)</u>	<u>P(L1)(L2)</u>	<u>P(L2)</u>	<u>17.103.010</u>
<u>Service-Enriched Permanent Housing</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L2)</u>	<u>17.103.010</u>
<u>Transitional Housing</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L2)</u>	<u>17.103.010</u>
<u>Emergency Shelter</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L1)(L2)</u>	<u>C(L2)</u>	<u>17.103.010</u>
<u>Semi-Transient</u>	<u>C(L1)</u>	<u>C(L1)</u>	<u>C(L1)</u>	<u>C(L1)</u>	<u>C</u>	
<u>Bed and Breakfast</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.10.125</u>
<u>Civic Activities</u>						
<u>Essential Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Limited Child-Care Activities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Community Assembly</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P</u>	
<u>Recreational Assembly</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P</u>	
<u>Community Education</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P</u>	
<u>Nonassembly Cultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Administrative</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P</u>	
<u>Health Care</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Special Health Care</u>	<u>—</u>	<u>C(L6)(L8)</u>	<u>C(L6)(L8)</u>	<u>C(L6)(L8)</u>	<u>C(L6)(L8)</u>	<u>17.103.020</u>
<u>Utility and Vehicular</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Extensive Impact</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Commercial Activities</u>						

EXHIBIT A

Activities	Zones					Additional Regulations
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>General Food Sales</u>	<u>P(L4)(L7)</u>	<u>P(L4)</u>	<u>P</u>	<u>P(L4)</u>	<u>P</u>	
<u>Full Service Restaurants</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Limited Service Restaurant and Cafe</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Fast-Food Restaurant</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.103.030 and 8.09</u>
<u>Convenience Market</u>	<u>C(L7)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.103.030</u>
<u>Alcoholic Beverage Sales</u>	<u>C(L7)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.103.030 and 17.114.030</u>
<u>Mechanical or Electronic Games</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Medical Service</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>P</u>	
<u>General Retail Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Large-Scale Combined Retail and Grocery Sales</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Consumer Service</u>	<u>P(L4) (L5) (L9)</u>	<u>P(L4) (L5) (L9)</u>	<u>P(L5) (L9)</u>	<u>P(L5) (L9)</u>	<u>P(L9)</u>	
<u>Consultative and Financial Service</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>P</u>	
<u>Check Cashier and Check Cashing</u>	<u>=</u>	<u>C(L10)</u>	<u>C(L10)</u>	<u>C(L10)</u>	<u>C(L10)</u>	<u>17.103.040</u>
<u>Consumer Cleaning and Repair Service</u>	<u>P(L4) (L5) (L7)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>P</u>	
<u>Consumer Dry</u>	<u>C(L7)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	

EXHIBIT A

Activities	Zones					Additional Regulations
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>Cleaning Plant</u>						
<u>Group Assembly</u>	<u>C(L11)</u>	<u>P(L4) (L5) (L11)</u>	<u>P(L11)</u>	<u>P(L4) (L5) (L11)</u>	<u>P(L11)</u>	
<u>Personal Instruction and Improvement Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Administrative</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>P</u>	
<u>Business, Communication, and Media Services</u>	<u>P(L4) (L5) (L7)</u>	<u>P(L4) (L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>P</u>	
<u>Broadcasting and Recording Services Commercial Activities</u>	<u>P(L4) (L5) (L7)</u>	<u>P(L4) (L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>P</u>	
<u>Research Service</u>	<u>P(L4) (L5)</u>	<u>P(L4) (L5)</u>	<u>P(L5)</u>	<u>P(L5)</u>	<u>P</u>	
<u>General Wholesale Sales</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>=</u>	
<u>Transient Habitation</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.103.050</u>
<u>Building Material Sales</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>=</u>	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C(L13)</u>	<u>=</u>	

<u>Activities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>Taxi and Light Fleet-Based Services</u>	=	=	=	<u>C(L13)</u>	=	
<u>Automotive Fee Parking</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	
<u>Animal Boarding</u>	=	=	=	=	=	
<u>Animal Care</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Undertaking Service</u>	=	=	=	<u>C</u>	=	
<u>Industrial Activities</u>						
<u>Custom Manufacturing</u>	=	<u>C(L1)(L13)</u>	=	<u>C(L13)</u>	=	
<u>Light Manufacturing</u>	=	=	=	<u>C(L13)</u>	=	
<u>General Manufacturing</u>	=	=	=	=	=	
<u>Heavy/High Impact</u>	=	=	=	=	=	
<u>Research and Development</u>	=	=	<u>C(L13)</u>	<u>C(L13)</u>	=	
<u>Construction Operations</u>	=	=	=	=	=	
<u>Warehousing, Storage, and Distribution-Related</u>						
<u>A. General Warehousing, Storage and Distribution</u>	=	=	=	=	=	
<u>B. General Outdoor Storage</u>	=	=	=	=	=	
<u>C. Self- or Mini Storage</u>	=	=	=	=	=	
<u>D. Container</u>	=	=	=	=	=	

Activities	Zones					Additional Regulations
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>Storage</u>						
<u>E. Salvage/ Junk Yards</u>	=	=	=	=	=	
<u>Regional Freight and Transportation-Related</u>						
<u>All Regional Freight and Transportation-Related Activities</u>	=	=	=	=	=	
<u>Trucking and Truck-Related</u>						
<u>All Trucking and Truck-Related Activities</u>	=	=	=	=	=	
<u>Recycling and Waste-Related</u>						
<u>A. Satellite Recycling Collection Centers</u>	=	=	=	=	=	
<u>B. Primary Recycling Collection Centers</u>	=	=	=	=	=	
<u>Hazardous Materials Production, Storage, and Waste Management</u>	=	=	=	=	=	
<u>Agriculture and Extractive Activities</u>						
<u>Animal Raising</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	<u>C(L15)</u>	
<u>Crop Growing</u>	<u>C(L16)</u>	<u>C(L16)</u>	<u>C(L16)</u>	<u>C(L16)</u>	<u>C(L16)</u>	
<u>Plant Nursery</u>	=	=	=	=	=	
<u>Mining and Quarrying</u>	=	=	=	=	=	

<u>Activities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>Accessory off-street parking serving prohibited activities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.116.075</u>
<u>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.102.110</u>

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Limitations:

L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of an existing principal building fronting a Commercial Corridor or within thirty (30) feet of the front lot line on the ground floor of a new principal building fronting a Transitional Commercial Corridor, as defined in Section 17.101G.010.C, with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building. See Section 17.101G.040 for limitations on the construction of new ground floor Residential Facilities.

L2. Residential Care is permitted outright if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L4. With the exception of parcels facing Broadway and 14th Street, the total linear frontage length devoted to these activities on the ground floor by any single establishment may only exceed twenty-five percent (25%) of the total linear frontage length from street corner to street corner upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L4. Any single establishment may only exceed twelve thousand (12,000) square feet in floor area upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L5. If located on a Commercial Corridor, as defined in Section 17.101G.010.C with the exception of 8th, 9th, Franklin, Webster and Harrison Streets between 7th, 10th, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a

conditional use permit (see Chapter 17.134 for the CUP procedure). If located on 8th, 9th, Franklin, Webster and Harrison Streets between 7th, 10th, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, any single establishment may only exceed five thousand (5,000) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades;
- b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
- c. The proposal will not interfere with the movement of people along an important pedestrian street.

L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in Note L5, above.

L7. These activities may only be located on or below the ground floor of a building with the following exceptions:

- a. If the floor area devoted to the activity is less than two thousand (2,000) square feet and the activity takes place in a Local Register property, then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).
- b. An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

L8. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L9. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L10. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500)

feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L11. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L12. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.

L13. 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.

L14. 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 or in a below grade parking lot. Auto fee parking is otherwise prohibited.

L15. Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

L16. Crop Growing is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.101G.040 Permitted and conditionally permitted facilities.

Table 17.101G.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-LM-1, D-LM-2, D-LM-3, D-LM-4, and D-LM-5 zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited

Table 17.101G.02: Permitted and Conditionally Permitted Facilities

Activities	Zones					Additional Regulations
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>Residential Facilities</u>						
<u>One-Family Dwellings</u>	(L1)	=	=	=	=	
<u>One-Family Dwelling with Secondary Unit</u>	P(L5)	P(L5)	P(L5)	P(L5)	P(L5)	17.103.080
<u>Two-Family Dwelling</u>	P	P(L5)	P(L5)	P(L5)	P(L5)	
<u>Multifamily Dwelling</u>	P	P	P	P	P	
<u>Rooming House</u>	P	P	P	P	P	
<u>Mobile Home</u>	=	=	=	=	=	
<u>Nonresidential Facilities</u>						
<u>Enclosed Nonresidential</u>	P(L3)	P(L3)	P(L3)	P(L3)	P	
<u>Open Nonresidential</u>	C(L4)	C(L4)	C(L4)	C(L4)	C(L4)	
<u>Sidewalk Cafe</u>	P	P	P	P	P	17.103.090
<u>Drive-In Nonresidential</u>	=	=	=	C	C	
<u>Drive-Through Nonresidential</u>	=	=	=	C(L2)	C(L2)	17.103.100
<u>Telecommunications Facilities</u>						
<u>Micro Telecommunications</u>	C	P	P	P	P	17.128

<u>Activities</u>	<u>Zones</u>					<u>Additional Regulations</u>
	<u>D-LM-1</u>	<u>D-LM-2</u>	<u>D-LM-3</u>	<u>D-LM-4</u>	<u>D-LM-5</u>	
<u>Mini Telecommunications</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.128</u>
<u>Macro Telecommunications</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.128</u>
<u>Monopole Telecommunications</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>17.128</u>
<u>Tower Telecommunications</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.128</u>
<u>Sign Facilities</u>						
<u>Residential Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Special Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Development Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Realty Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Civic Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Business Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Advertising Signs</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.104</u>

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Limitations:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming One-Family Dwellings.

L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L3. New construction of a Nonresidential Facility shall be required to incorporate ground floor commercial space that conforms to the design standards in Table 17.101G.03 if:

- a.** the facility fronts onto a (1) "Transitional Commercial Corridor", as identified in Section 17.101G.010.C, is more than thirty-five (35) feet wide, and is either: within a Lake Merritt Station Area Plan Opportunity Site or on a corner lot; or

<u>Rear</u>	<u>10 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	<u>0 ft</u>	
<u>Average minimum setback from the Lake Merritt Estuary Channel</u>	<u>60 ft</u>	<u>60 ft</u>	<u>60 ft</u>	<u>60 ft</u>	<u>60 ft</u>	<u>4</u>
<u>Design Regulations</u>						
<u>Ground floor commercial facade transparency</u>	<u>55%</u>	<u>65%</u>	<u>55%</u>	<u>55%</u>	<u>55%</u>	<u>5</u>
<u>Minimum height of the ground floor</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>6</u>
<u>Minimum width of storefronts</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>15 ft</u>	<u>7</u>
<u>Minimum depth of storefront bay</u>	<u>50 ft</u>	<u>50 ft</u>	<u>50 ft</u>	<u>50 ft</u>	<u>50 ft</u>	<u>7</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>Not Applicable</u>	<u>8</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 percent (50%) or more of the frontage on the same block and side of the street is in a residential zone.
3. The following notes apply to the maximum yard requirements:
 - a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. These maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of regular design review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.050, the proposal must also meet each of the following criteria:
 - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;

iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and

iv. The proposal will not interfere with the movement of people along an important pedestrian street.

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 Section 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. This regulation is the average setback distance, measured from the mean high tide line, along the total length of channel frontage involved in a project, with a minimum setback at any point of forty (40) feet.

5. 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 (½) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

6. This height is required for all new principal buildings and is measured from the sidewalk grade to the second story floor.

7. This regulation only applies to new construction of ground floor storefronts as part of a mixed use development project. Also see Lake Merritt Station Area Plan Design Guidelines for further guidance.

8. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.

B. Height, Bulk, and Intensity Area Specific Standards. Table 17.101G.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in the Zoning Maps. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

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

Regulation	Height/Bulk/Intensity Area				Notes
	<u>LM-45</u>	<u>LM-85</u>	<u>LM-175</u>	<u>LM-275</u>	
<u>Maximum Height</u>					
<u>Building base</u>	<u>45</u>	<u>45</u>	<u>45</u> <u>85ft upon</u> <u>granting of</u> <u>CUP and</u> <u>additional</u> <u>findings in</u> <u>Note 2 a,b,c</u>	<u>45</u> <u>85ft upon</u> <u>granting of CUP</u> <u>and additional</u> <u>findings in Note</u> <u>2 a,b,c</u>	<u>1</u>
<u>Tower</u>	<u>=</u>	<u>85</u>	<u>175</u>	<u>275</u>	<u>2</u>
<u>Exceptions Allowed</u> <u>With Conditional Use</u> <u>Permit (CUP)</u>	<u>Not applicable</u>	<u>4 bldgs. total (2</u> <u>on east side and</u> <u>2 on west side of</u> <u>Lake Merritt</u> <u>Channel) –</u> <u>LM-275</u> <u>standards apply</u> <u>2 bldgs. total (1</u> <u>on east side and</u> <u>1 on west side of</u> <u>Lake Merritt</u> <u>Channel) –</u> <u>LM-175</u> <u>standards apply</u>	<u>3 bldgs. total –</u> <u>LM-275</u> <u>standards</u> <u>apply</u>	<u>Not applicable</u>	<u>2</u>
<u>Minimum Height</u>					
<u>New principal</u> <u>buildings</u>	<u>25</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>3</u>
<u>Maximum Density (Square Feet of Lot Area Required Per Unit)</u>					
<u>Dwelling unit</u>	<u>450</u>	<u>225</u>	<u>110</u>	<u>110</u>	<u>2, 4</u>
<u>Rooming unit</u>	<u>225</u>	<u>110</u>	<u>55</u>	<u>55</u>	<u>2, 4</u>
<u>Maximum Intensity (Floor Area Ratio)</u>					

Regulation	Height/Bulk/Intensity Area				Notes
	<u>LM-45</u>	<u>LM-85</u>	<u>LM-175</u>	<u>LM-275</u>	
<u>Maximum Floor Area Ratio (FAR)</u>	<u>2.5</u>	<u>5</u>	<u>8</u>	<u>12</u>	<u>2, 4</u>
<u>Tower Regulations</u>					
<u>Setback of Tower from building base</u>	Not applicable	0 ft, for buildings not exceeding 85 ft in height 10 ft, along at least 50% of the perimeter length of base for buildings exceeding 85 ft in height	20 ft, along at least 50% of the perimeter length of base 10 ft, along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 3 2 a,b,c	20 ft, along at least 50% of the perimeter length of base 10 ft, along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 3 2 a,b,c	See additional CUP findings in Note 3 below
<u>Maximum average per story lot coverage above building base</u>	Not applicable	Not applicable to buildings 85 ft or less in height	65% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	<u>2, 5</u>
<u>Maximum tower elevation length</u>	Not applicable	Not applicable to buildings 85 ft or less in height	<u>150 ft</u>	<u>150 ft</u>	<u>2, 5</u>
<u>Maximum diagonal length</u>	Not applicable	Not applicable to buildings 85 ft or less in height	<u>180 ft</u>	<u>180 ft</u>	<u>2, 5</u>
<u>Minimum distance between towers on the same lot</u>	Not applicable	Not applicable to buildings 85 ft or less in height	<u>50 ft</u>	<u>50 ft</u>	<u>2</u>

Notes:

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

2. Exceptions to Height/Bulk/Intensity Area Standards. In Height/Bulk/Intensity Areas LM-85 and LM-175, a limited number of buildings, as prescribed above in Table 17.101G.04, may be allowed to utilize the same height/bulk/intensity standards that typically apply to either Height/Bulk/Intensity Area LM-175 or LM-275 upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

a. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies; and

b. The proposal will promote implementation of the Lake Merritt Station Area Plan;

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

d. The following application process is followed:

i. Applications for any of the height/bulk/intensity exceptions shall be reviewed on a first come, first served basis.

ii. A project shall secure a position as one of the specified height/bulk/intensity exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.

iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.

3. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.

4. For mixed use projects in the Lake Merritt Station Area Plan District (D-LM) Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.

5. The maximum tower elevation length, diagonal length, and average per story lot coverage above the base may be increased by up to thirty percent (30%) upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

a. The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

17.101G.060 Usable open space standards.

- A. General. This section contains the usable open space standards and requirements for residential development in the D-LM zones. These requirements shall supersede those in Chapter 17.126.
- B. Definitions of D-LM 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 shall be 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.
 - 5. "Off-Site Open Space". Off-site open spaces are group usable open space at street-floor or podium-level within one thousand (1,000) feet of a residential development. Off-site open spaces shall be publicly accessible during daylight hours and are maintained by the property owner.
 - 6. "Community Room". Community room can be located anywhere on the subject property and shall be available for use by all members of said residential development.
- 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 the following rates:

Table 17.101G.05: Required Amounts of Usable Open Space

<u>Type of Living Unit</u>	<u>Minimum Open Space Area Required</u>
<u>Senior Housing Unit</u>	<u>Thirty-eight (38) square feet per unit</u>
<u>Affordable Housing Unit</u>	<u>Sixty (60) square feet per unit</u>
<u>Rooming Unit</u>	<u>Thirty-eight (38) square feet per unit</u>
<u>Residential Unit within a Building on the Local Register of</u>	<u>Thirty-eight (38) square feet per unit</u>

<u>Historic Resources</u>	
<u>Other Residential Unit</u>	<u>Seventy-five (75) square feet per unit</u>

2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.101G.06: Required Dimensions of Usable Open Space

<u>Type of Usable Open Space</u>	<u>Minimum Dimension or Size</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>Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward this dimension.</u>
<u>Courtyard</u>	<u>15 ft</u>	
<u>Off-Site Open Space</u>	<u>10 ft</u>	
<u>Community Room</u>	<u>250 square feet</u>	

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 percent (50%) 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 (8) feet above its floor level.

4. Location. Required usable open space may be located anywhere on the lot except that not more than fifty percent (50%) 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 (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
 6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five 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 percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty percent (30%) 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.
- E. In-Lieu Fee. The open space requirements of this Section may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements. The open space in-lieu fee shall be as set forth in the Master Fee Schedule. Open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
- F. Variances. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter. The granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space.

17.101G.070 Special regulations for large scale developments.

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.101G.080 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the D-LM zones.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-LM zones.

The following are proposed text changes to **Chapter 17.116 Off Street Parking and Loading Requirements**. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.116.020 Effect on new and existing uses.

(See illustrations I-19a, b.)

- A. New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities. Except as otherwise provided in Sections [17.114.030](#) and [Chapter 17.138](#), new off-street parking and loading as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for such activities, except to the extent that existing parking or loading exceeds such requirements for any existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date; provided, however, that for an activity occupying a facility existing on said effective date, new parking shall be required for said increase to the extent that the total of such existing facility and the added facilities exceeds any minimum size hereafter prescribed for which any parking is required for such activity.
- B. New Parking to Be Provided for New Living Units in Existing Facilities. Except as provided in Section 17.116.110(D)(3) for the conversion of historic buildings in the D-BV and D-LM zones, if any facility, or portion thereof, which is in existence on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for an activity therein, is altered or changed in occupancy so as to result in an increase in the number of residential living units therein, new off-street parking as prescribed hereafter shall be provided for the added units. However, such new parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new parking need not be provided to the extent that existing parking exceeds the latter requirement. Other alterations and substitutions or other changes in activities may be made in any facility or portion thereof existing on said date without regard for the parking and loading requirements prescribed hereafter, and new parking and loading shall not be required therefor, except as otherwise provided in subsection A of this section with respect to additions and in subsection C of this section.
- C. Existing Parking and Loading to Be Maintained. No existing parking or loading serving any activity shall be reduced in amount or changed in design, location, or maintenance below, or if already less than shall not be reduced further below, the requirements prescribed hereafter for such activity unless equivalent substitute facilities are provided.
- D. Parking to be Provided for Existing Residential Facilities. When a conditional use permit is required by [Section 17.102.300](#) for the alteration of, or addition to, an existing Residential Facility in order to create a total of five or more bedrooms in any dwelling unit, the off-street parking requirement of Section 17.102.300C shall apply to the entire facility, including the existing facility and any alteration or addition.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 7501)

(Prior planning code § 7510)

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.	RH and RD zones, except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	RM-2 zone	One (1) space for each dwelling unit 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 and one-half (1½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when combined with the S-12 zone.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040
One-Family	RH, RD, RM-1, and RM-2	One (1) space for the secondary unit unless the lot already contains a

Dwelling with Secondary Unit.	zones, except when combined with the S-12 zone.	total of at least three (3) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	<u>D-LM zones</u>	<u>No additional space required for secondary unit.</u>
	All other zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least two (2) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	Any zone combined with the S-12 zone.	See Section 17.94.040
Two-Family Dwelling, Multifamily Dwelling.	RD-2, RM-1, RM-2 zones, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	D-BV-1 and D-BV-2 zones	One-half (½) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	D-BV-3 and D-BV-4 , and <u>D-LM zones.</u>	Three-quarters (¾) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with	See Section 17.94.040

	the S-12 zone.	
Rooming House.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	D-BV-1, D-BV-2, and D-LM zones.	One (1) space for each four rooming units.
	Any other zone.	One (1) space for each two rooming units.
Mobile Home.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast	Any zone.	One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.
	<u>D-LM zones</u>	<u>Required parking for a One-Family dwelling in the underlying zone only.</u>

B. Residential Care, Service-Enriched Permanent, Transitional Housing and Emergency Shelter Residential Activities. Except as otherwise provided in Section 17.44.200, [Chapter 17.94](#), Sections [17.102.300](#), [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for all Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities when located in any zone and occupying the specified facilities and/or having the specified number of employees and/or facility vehicles, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter.

Residential Activity	Requirement
Residential Care.	One space for each three employees on site during the shift that has maximum staffing, and one space for each facility vehicle. Where more than three spaces are required for a single housekeeping unit, additional spaces beyond three may be provided in tandem.
Service-Enriched Permanent Housing.	Two spaces for each three dwelling units and one space for each three rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.

Transitional Housing.	One space for each three dwelling units and one space for each four rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.
Emergency Shelter.	One space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12501 § 78, 2003; Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12199 § 8 (part), 2000; Ord. 12138 § 4 (part), 1999; Ord. 11892 § 12, 1996: prior planning code § 7511)

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 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of

			City Planning pursuant to Section 17.116.040
Private non-profit clubs and lodges.	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
Churches and all other.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	C-45, CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, D-LM and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.
	CN zones	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	CBD-P, CBD-C, and CBD-X, and D-LM zones.	-	No spaces required.

	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
All others.	CBD-P, CBD-C, and CBD-X, and D-LM , zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees.
D. Nonassembly Cultural Administrative.	CBD-P, CBD-C, and CBD-X, and D-LM zones	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.

	C-45, CBD-P (only if not combined with the S-7 zone), CBD-C, CBD-X, <u>D-LM</u> and S-2 zones.	No minimum	One (1) space for each staff or regular visiting doctor.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each 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 zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	<u>S-15 and D-LM zones.</u>	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees.
All other.	CBD-P zone (only when combined with the S-7 zone).	-	No spaces required.
	C-45, CBD-P (only when not combined	No minimum.	One (1) space for each staff or

	with the S-7 zone), CBD-C, CBD-X, <u>D-LM</u> and S-2 zones.		regular visiting doctor.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each 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.	CDB-P, CBD-C, <u>and</u> CBD-X, <u>and D-LM</u> zones.	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, <u>and</u> CBD-X, <u>and D-LM</u> zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for

			each six students of planned capacity.
All other.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; Ord. 11892 § 13, 1996: prior planning code § 7512)

17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales. Full Service Restaurant. Limited Service Restaurant and Cafe. Convenience Market.	C-55, CBD-P, CBD-C, CBD-X, D-LM and S-15 zones.	—	No spaces required.
	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-	3,000 square feet of floor	One space for each 300 square feet of floor

Alcoholic Beverage Sales.	28, C-31, C-35.	area.	area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet.	One space for each 200 square feet of floor area.
<p>B. Mechanical or Electronic Games.</p> <p>Medical Service.</p> <p>General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.</p> <p>Consumer Service.</p> <p>Consumer Cleaning and Repair Service, except when services consist primarily of repair or cleaning of large items such as furniture or carpets.</p> <p>General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.</p> <p>Undertaking Service.</p>	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required
	C-45 and S-2 zones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
<p>C. Consultative and Financial Service.</p> <p>Administrative.</p> <p>Business, Communication and Media Service.</p> <p>Broadcasting and</p>	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones.	3,000 square feet of floor	One (1) space for each 900 square feet of

Recording Services.		area.	floor area.
Research Service.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.	S-15 zones.	—	No spaces required.
	C-45, CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
Building Material Sales.			
Automotive Sales and Service.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
Automobile and Other Light Vehicle Sales and Rental.	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
E. Group Assembly. Personal Instruction and Improvement Services.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly area.
	CN zones.	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	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly areas.

		assembly areas.	
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), D-LM , and S-15 zones.	—	No spaces required.
	CBD-P, CBD-C, CBD-X, D-BV-zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as furniture or large appliances. Consumer Cleaning and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets. Animal care and Animal	CBD-P, CBD-C, CBD-X, D-LM and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

boarding.			
H. Automobile and Other Light Vehicle Gas Station and Servicing.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
Automotive and Other Light Vehicle Repair and Cleaning.	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
Automotive Fee Parking.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing.	CBD-P, CBD-C, and CBD-X ₂ <u>and D-LM</u> zones.	—	No spaces required.
Taxi and Light Fleet-based Service.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three employees.
J. Scrap Operation.	CBD-P, CBD-C, and CBD-X ₂ <u>and D-LM</u> zones.	—	No spaces required.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing

			operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
	C-45 zone.	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	CN and S-2 zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C and , CBD-X, <u>and D-LM</u> zones.	-	No spaces required.
C-45, and S-2 zones.	10,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.
Any other zone.	5,000 square feet of floor area and	One (1) space for each 1,000 square feet of floor

	outdoor sales or display area.	area and outdoor sales or display area.
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(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; prior planning code § 7515)

17.116.110 Special exemptions to parking requirements.

The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of [Section 17.94.040](#) shall apply.

- A. Discretionary Reduction for Senior Citizen Housing and Dormitories. In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in [Section 17.116.060](#) may be reduced by not to exceed seventy-five percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in [Chapter 17.134](#) and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:
 - 1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;
 - 2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by 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 CN, C-45, -or CBD zones, and which meets the conditions set forth in [Section 17.116.180](#), the total parking requirement for the sharing activities may be reduced by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in [Chapter 17.134](#) and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.
- C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas. The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the CN, C-45, or CBD zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in [Chapter 17.132](#).

- D. Each of the following provisions shall apply in the D-BV and D-LM zones only:
1. **In-Lieu Fee.** The parking space requirements of this section for the D-BV and D-LM zones may be reduced or waived upon the granting of a Conditional Use Permit (see [Chapter 17.134](#) for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
 2. **Narrow Lots.** Lots with a mean width of less than fifty (50) feet and fronting Broadway or 27th Street are not required to provide parking on-site unless alternative driveway access is available from an alternative location, such as a shared access driveway from an adjoining parcel or from an alley.
 3. **Conversion of Historic Buildings.** No additional parking spaces are required for the conversion of a Nonresidential Facility to a Residential Facility or vice versa if the Nonresidential or Residential Facility is either a Potentially Designated Historic Property (PDHP) or a property listed in the City of Oakland's Local Register of Historical Resources (see Policy 3.8 of Historic Preservation Element of the Oakland General Plan). If the number of existing parking spaces on the lot is less than required, then that number of parking spaces must be preserved with the conversion. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required. Parking spaces shall not be further reduced below the requirement unless payment of an in-lieu fee, as set forth in the Master Fee Schedule, to the City of Oakland is provided.
 4. **Affordable Housing.** Parking requirements applicable to affordable housing for moderate, low, and very low income households, (as defined in California Government Code Section 50052.5 and in Oakland Planning Code Section 17.107.020), shall be one-quarter (1/4) spaces per dwelling unit. In Subsection 17.116.110(A) of this chapter, Senior Citizen Housing and Dormitories requirements apply but do not require a Conditional Use Permit and the reduced parking requirement is one-quarter (1/4) spaces per dwelling unit.
 5. **Unbundled Parking.** The following rules shall apply to new Multifamily Dwelling Residential Facilities of ten (10) or more units:
 - a. Off-street parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).
 - b. Off-street parking spaces serving affordable units as defined in Section 17.107.020 shall be offered to potential buyers and renters at a price proportional to the sale or rental price of the affordable units as compared to the price proportional to comparable market rate units, except when offered to non-residents pursuant to Subsection (c) below.
 - c. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 days notice if requested by residents to be made available to them.
 6. **No Variances.** Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any required parking; or (b) a reduction and/or elimination of any parking spaces serving any activity, or if already less than currently required parking, shall not be reduced further below the

requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating such parking.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12772 § 1 (part), 2006; prior planning code § 7519)

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.	CN, C-45, CBD-R, CBD-P, CBD-C, and CBD-X, <u>and</u> <u>D-LM</u> zones.	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 percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):
		1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, 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 percent (50%) of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on another lot located

and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.		within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for Residential Activities in the D-LM , CBD, CN, and C-45 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. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 11892 § 16, 1996; prior planning code § 7535)

The following are proposed text changes to **Chapter 17.58 Central Business District Zone Regulations**. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.58.010 Title, purpose, and applicability.

- A. Intent. The provisions of this Chapter shall be known as the CBD Central Business District 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.
- ~~C. Description of Combining Zone. This Chapter establishes interim land use regulations for the following combining zone:~~
- ~~1. **CH Chinatown Interim Commercial Combining Zone.** The intent of the CH combining zone is to allow for expanded commercial uses in the core of the Chinatown commercial area, which is located within the Lake Merritt Station Area Plan~~

~~boundaries. When an above base zone is combined with the CH combining zone, the permitted uses in CH combining zone supersede those of the base zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries. Therefore, these regulations shall remain in place and be effective through until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan.~~

~~(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009)~~

17.58.040 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	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Residential Activities						
Permanent	P	P(L1)	P(L1)	P	P(L1)	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	P(L1)(L2)	17.103.010
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	17.103.010
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	17.103.010
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	C(L2)	17.103.010

Semi-Transient	C	C(L1)	C(L1)	C	C(L1)	
Bed and Breakfast	P	P	P	P	P	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	P	
Community Assembly	C	C(L6)	C	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	P(L4)	
Special Health Care	—	C(L6)(L8)	C(L8)	C(L8)	C(L6)(L8)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L4)(L7)	P(L4)	P	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L4)(L7)	P	P	P	P	
Fast-Food Restaurant	—	C	C	C	C	17.103.030 and 8.09

EXHIBIT A

Convenience Market	C(L7)	C	C	C	€	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	€	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	C	C	C	€	
Medical Service	P(L4)(L7)	P(L5)	P	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	P(L4)(L7) (L9)	P(L4)(L9)	P(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	€(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	€	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	P(L4)(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	P	
Broadcasting and Recording Services Commercial Activities	—	P(L5)	P	P(L4)	P	

Research Service	P(L4)(L7)	P(L5)	P	P	P	
General Wholesale Sales	—	—	—	C	—	
Transient Habitation	C(L12)	C(L6)	P	C	€	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	C(L13)	C(L13)	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	C(L13)	C(L13)	—	
Automotive Fee Parking	C(L14)	C(L14)	C(L14)	C(L14)	€(L14)	
Animal Boarding	—	—	—	—	—	
Animal Care	—	C(L6)	C	C	€	
Undertaking Service	—	—	C	C	—	
Industrial Activities						
Custom Manufacturing				C(L13)		
Light Manufacturing				C(L13)		
General Manufacturing				—		
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	C(L13)	C(L13)	—	

Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution						
A. General Warehousing, Storage and Distribution	—	—	—	C(L13)	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self- or Mini Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	
Regional Freight Transportation	—	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	C	C	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	—	
Agriculture and Extractive Activities						
Crop and animal raising	—	—	—	—	—	
Plant nursery	—	—	—	—	—	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving	C	C	C	C	€	17.116.075

prohibited activities						
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	€	17.102.110

Limitations:

~~² If the base zone (CBD-P) also has the CH Combining Zone, the CH regulations supersede the base zone.~~

L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

L2. Residential Care is only permitted upon the granting of a Conditional Use Permit (see [Chapter 17.134](#) for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

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 [Section 17.134.050](#), these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades;
- b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
- c. The proposal will not interfere with the movement of people along an important pedestrian street.

L6. These activities are only permitted upon the granting of a conditional use permit (see [Chapter 17.134](#) for the CUP procedure). In addition to the criteria contained in [Section 17.134.050](#), when these activities are located within thirty (30) feet of the front of the ground

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

L7. These activities may only be located on or below the ground floor of a building with the following exceptions:

a) If the floor area devoted to the activity is less than two thousand (2,000) square feet and the activity takes place in a Local Register property, then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see [Chapter 17.134](#) for the CUP process).

b) An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

L8. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See [Section 17.103.020](#) for further regulations regarding Special Health Care Civic Activities.

L9. See [Section 17.102.170](#) for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See [Section 17.102.450](#) for further regulations regarding laundromats.

L10. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See [Section 17.103.040](#) for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L11. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See [Section 17.102.160](#) for further regulations regarding adult entertainment activities.

L12. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.

L13. 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.

L14. 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 (3) stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.

The following are proposed text changes to **Chapter 17.108 General Height, Yard, and Court Regulations**. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.108.080 Minimum side yard opposite living room windows.

On each lot containing Residential Facilities with a total of two (2) or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-LM, S-1, S-2, S-15, and D-KP Zones and fifteen percent (15%) of the lot width in all other zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by [Section 17.108.130](#).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13112, § 4(Exh. A), 4-30-2012; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 11892 § 7, 1996; prior planning code § 7082)

The following are proposed text changes to **Chapter 17.134 Conditional Use Permit Procedure**.

Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:

- a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;
- b. Nonresidential projects involving 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, S-2, ~~or S-15~~, or D-LM Zones;
- c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three (3) or more dwelling units in the RM-2 Zone,
 - ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.
- d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in seven (7) or more living units in the RU or CBD-R Zone.
- e. Large Scale Developments. Any development which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, ~~or S-15~~, or D-LM Zones and results in more than one hundred thousand (100,000) square feet of new floor area.

f. Projects that request to be considered an exception to standards in the D-LM Height/Bulk/Intensity Areas.

2. Uses. Any project requiring a conditional use permit 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 percent (20%):

- a. Activities:
 - i. Residential Care Residential,
 - ii. Service Enriched Housing Residential,
 - iii. Transitional Housing Residential,
 - iv. Emergency Shelter Residential,
 - v. Extensive Impact Civic,
 - vi. Fast-food Restaurant Commercial,
 - vii. Convenience Market Commercial,

- viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B,
 - ix. Heavy/High Impact Industrial,
 - x. Small Scale Transfer and Storage Hazardous Waste Management,
 - xi. Industrial Transfer/Storage Hazardous Waste Management,
 - xii. Mining and Quarrying Extractive,
 - xiii. Special Health Care Civic Activities.
- b. Facilities:
- i. Drive-Through,
 - ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.
3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:
- a. A project requiring development of an Environmental Impact Report (EIR);
 - b. A single establishment containing a Commercial or Industrial 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, CBD-P, CBD-C, CBD-X, ~~and S-2,~~ and D-LM 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 or HBX Zone;
 - f. A project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;
 - g. A electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
 - h. A Telecommunications Facility in or within one hundred (100) feet of the boundary of any residential zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
 - i. A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zone, or the D-CE-3 or D-CE-4 Zone.
- B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this section.

The following are proposed text changes to **Chapter 17.136 Design Review Procedure**. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

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. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX Zones, 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. Any construction, addition 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 (1) or two (2) dwelling units, other than a secondary unit;
 4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site;
 5. New construction of principal facilities in the HBX or D-CE Zones;
 6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections [17.65.160](#) and [17.65.170](#)); or the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections [17,101E.070](#) and [17.101E.080](#)). 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 (1,000) 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 17.116.075;
 9. New or modified Signs not qualifying 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;
 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 Subsection 17.136.030.B.;
 11. Demolition or removal of any structure, or portion thereof, in the CIX-1A zone or where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;

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12. Demolition or removal of any Designated Historic Property (DHP) or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.
- 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 an Initial Decision by the Director of City Planning—Decisions Not Ultimately Appealable to City Council.
1. Decision by the Director of City Planning. An application for regular design review that is not referred to the City Planning Commission for initial decision as specified in [Section 17.136.040\(D\)](#) shall be considered by the Director of City Planning.
 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 for decision on the application by the Director. 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. Any interested party must enter into the record any issues and/or evidence to the Director prior to the close of the written public comment period for his or her consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. 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 decision by the Director shall become final ten (10) 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](#). Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Director prior to the close of the written public comment period. 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. Appeals considered by the City Planning Commission or the Commission's Residential Appeals Committee under the procedures specified in [Section 17.136.080](#) shall be final immediately and are not ultimately appealable to the City Council.

- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for regular design review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to [Section 17.130.090](#). However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, [D-LM](#), 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 for a hearing before the Commission. During the required noticing period, the planning department shall receive and consider comments from any interested party.
 3. The Planning Commission may seek the advice of outside design professionals. While the hearing is open, any interested party must enter into the record any issues and/or evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Commission 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. The initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with [Section 17.136.090](#). Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter. In 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. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; 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 District and Lake Merritt Station Area District zones.

A. The provisions of this Section shall only apply to proposals in the Central Business District (CBD) and Lake Merritt Station Area District (D-LM) Zones.

B. Findings.

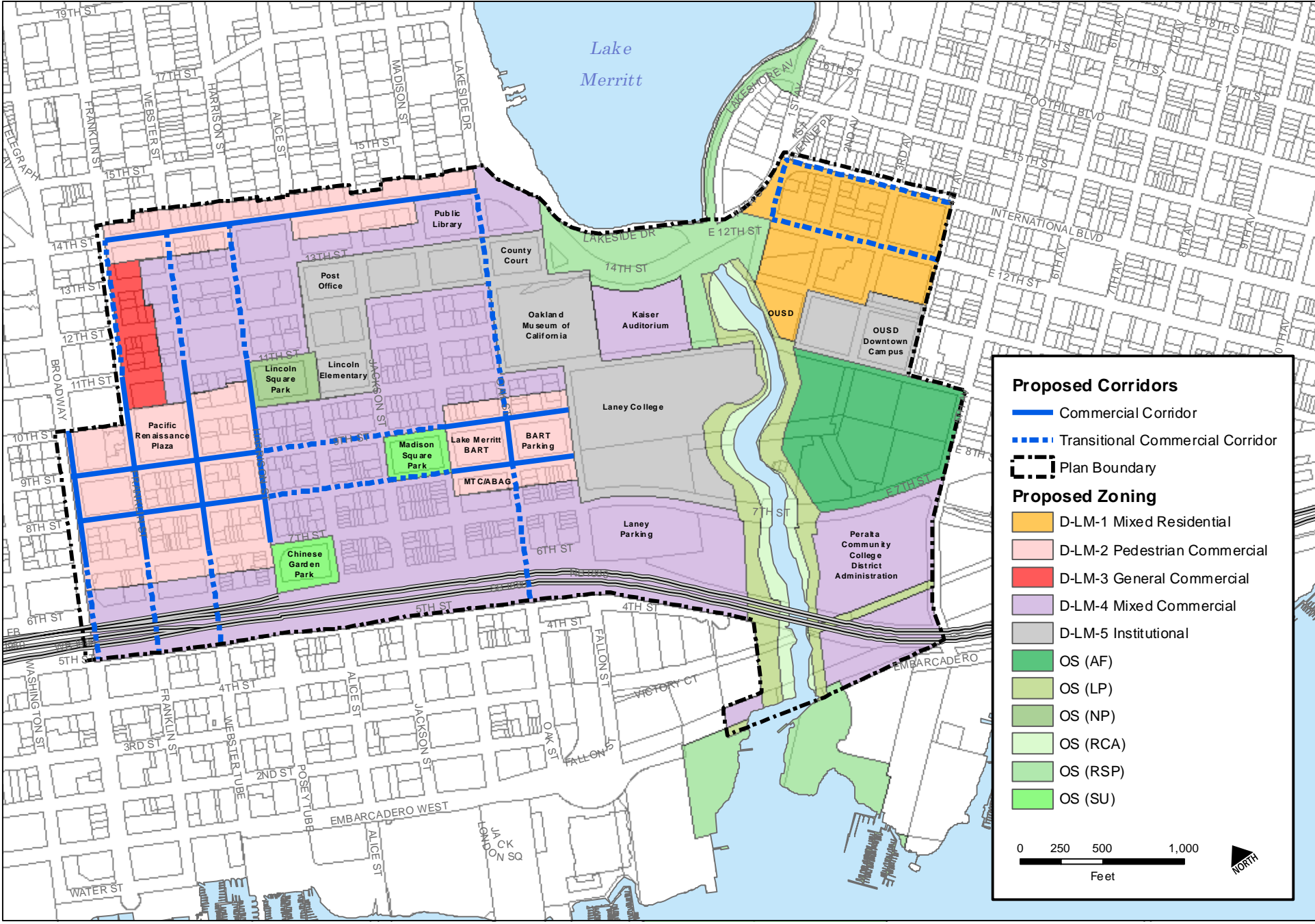
1. Any exterior alteration to a character-defining element of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) that: 1) does not match its exterior historical materials or appearance, and 2) is part of the existing building (not part of any proposed addition) shall 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 applications for projects in an API that require Regular Design Review approval may be granted only upon determination that the proposal conforms to any applicable criteria in [Chapter 17.136](#) and to the following additional criteria:
 - a. Any proposed new construction is compatible with the existing API 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 contributors or otherwise enhances the visual interest of the API.
 - d. The proposal is consistent with the visual cohesiveness of the API. 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. 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 it 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;

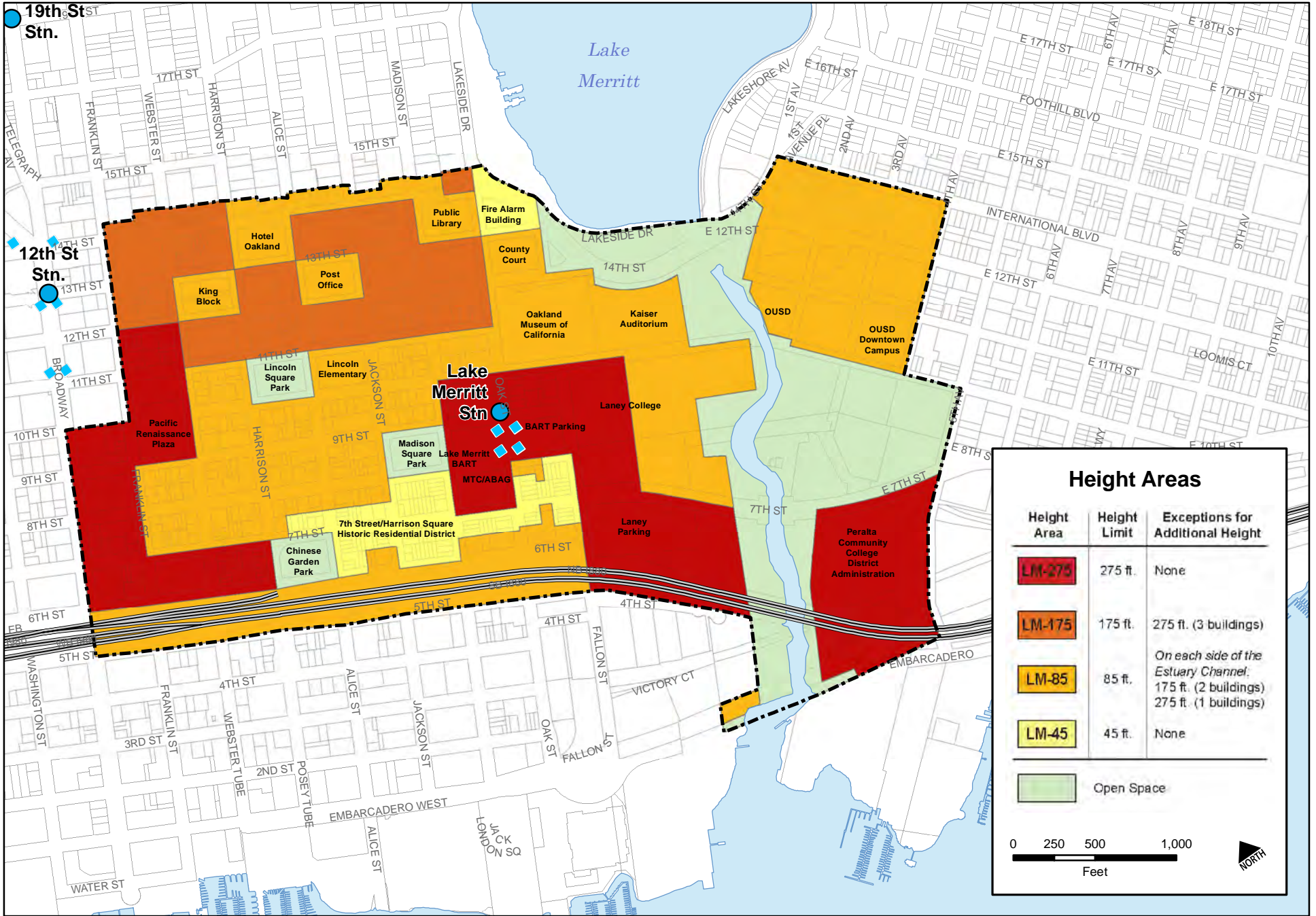
- e. Where height is a character-defining element of the API there are height transitions to any neighboring contributing historic buildings. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. APIs 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 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 that requires Regular Design Review Approval involving a DHP or PDHP outside of an API 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), or only (d), 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 an ASI 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/or advice to the decision making body:

- a. Any construction of a new principal building in an API;
- b. An addition to an API contributor when required by Subsection 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 Subsection 17.136.055.B.3.d.
- e. Any proposal involving a Local Register Property that requires Regular Design Review approval.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12955, § 2(Exh. A), 7-21-2009)



LAKE MERRITT BART STATION AREA PLAN
Proposed Zoning Districts and Corridors



LAKE MERRITT BART STATION AREA PLAN
Proposed Height Areas