

FILED
OFFICE OF INTRODUCED BY COUNCILMEMBER
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Deborah B. Lee
City Attorney

015 MAR 13 AM 5:07

OAKLAND CITY COUNCIL
ORDINANCE NO. ~~13802~~ 13802 C.M.S.

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO (A) CREATE THE D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS; (B) MAKE CONFORMING, BUT NON-SUBSTANTIVE CHANGES TO OTHER PLANNING CODE SECTIONS IN THE COLISEUM SPECIFIC PLAN, LAKE MERRITT STATION AREA PLAN AND WEST OAKLAND SPECIFIC PLAN AREAS; AND (C) ADOPT REVISED ZONING AND HEIGHT AREA MAPS.

WHEREAS, in 1998, the Land Use and Transportation Element of the Oakland General Plan identified the Coliseum Area as a "Showcase District." The Coliseum Area Specific Plan is intended to implement the General Plan vision for the Coliseum Area; and

WHEREAS, on March 6, 2012, the Oakland City Council adopted Resolution No. 83747 C.M.S. which authorized the City Administrator to enter into a Professional Services contract with Lamphier Gregory, to prepare a Specific Plan and Environmental Impact Report for the Coliseum Area District; and

WHEREAS, on April 19, 2013, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the Coliseum Area Specific Plan (CASP) was published; and

WHEREAS, two duly noticed Draft EIR scoping hearings were held, one before the LPAB on May 13, 2013, and the second before the City Planning Commission on May 1, 2013, to receive comments on the scope and content of the Draft EIR for the CASP; and

WHEREAS, a Notice of Availability/Notice of Release of a Draft EIR was issued on August 18, 2014, along with publication of Draft EIR itself on August 22, 2014, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, two duly noticed public hearings on the Draft EIR were held including: a LPAB public hearing on September 8, 2014 and a City of Oakland Planning Commission hearings on October 1, 2014; and

WHEREAS, as part of the public outreach effort, nine community and business owner workshops were held between April 24, 2014 and February 17, 2015, as well as fifteen public hearings and meetings; and

WHEREAS, the Coliseum Area Specific Plan (CASP) includes (a) text amendments to the 1998 Land Use and Transportation Element (LUTE) of the General Plan to increase the allowable Floor Area Ratios and densities for the Community Commercial and Regional Commercial land use designations in the Coliseum Area, and map amendments to the LUTE to accommodate compatible uses in the Coliseum Area; (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 (c) amendments to the 1999 Estuary Policy Plan to ensure the General Plan land use map is in conformity with the CASP; and

WHEREAS, City Planning staff have proposed six new Coliseum Area District Zones (D-CO-1 through -6) to replace the existing zoning in the area to implement the CASP, as well as make changes associated to the new Coliseum Area zones throughout the Planning Code, as well as related changes to the Zoning and Height Maps; and

WHEREAS, between September, 2014 and March, 2015, the Draft Coliseum Area Specific Plan and Draft EIR, as well as General Plan Amendments, Zoning Maps, Height Area Maps, Draft Zoning Concepts, and Design Guidelines (Related Actions) were presented to the full Planning Commission and various advisory boards, including the Zoning Update and Design Review Committees of the Planning Commission, the Landmarks Preservation Advisory Board (LPAB), as well as the Parks and Recreation Advisory Commission, each of which provided comments unique to their topic area. At that time, a complete draft of the proposed new Chapter 17.101H D-CO Coliseum Area District Zones Regulations was presented to the Zoning Update Committee at its January 21, 2015 meeting; and

WHEREAS, on February 20, 2015, a Notice of Availability/Release of a Final EIR and Specific Plan was issued, and a Final EIR and Specific Plan were published on February 20, 2015 and January 30, 2015, both of which were made available for public review and comment; and

WHEREAS, two duly noticed public hearings were held before the LPAB to consider the Final Draft Plan, Related Actions and EIR on February 9, 2015 and February 23, 2015, and the LPAB recommended revisions to the Cultural and Historic Resources mitigation measures in the Draft EIR be made by staff and reviewed by the LPAB, prior to adoption by the Planning Commission; and

WHEREAS, two duly noticed public hearings were held before the City Planning Commission on February 4, 2015 and March 4, 2015 to consider the Final Draft Specific Plan, Related Actions and EIR, and at the March 4, 2015 Commission hearing, the Commission elected to continue the item for a vote at a special meeting on March 11, 2015; and

WHEREAS, on March 11, 2015, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council (a) adopt the required California Environmental Quality Act (CEQA) findings, certify the EIR, reject alternatives as infeasible, and adopt a Statement of Overriding Considerations; (b) adopt the Coliseum Area Specific Plan's Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) adopt, as revised at the Planning Commission, the Coliseum Area Specific Plan (CASP), new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the CASP Adoption Findings; and (d) 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), ongoing revisions to Table 7.5 in Chapter 7 of the CASP ("Action Plan"), 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 D-CO Coliseum Area District Zones Regulations (which are essentially correction of typographical and/or clerical errors); and

WHEREAS, the CASP, Related Actions, and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on March 24, 2015 and the Committee recommended adoption of the Plan, and Related Actions; and

WHEREAS, the CASP, Related Actions and EIR were considered at a regular, duly noticed, public hearing of the City Council on March 31, 2015 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 Coliseum Area Specific Plan EIR and the CEQA findings recommended by the City Planning Commission.

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 set forth as Attachment A to the March 24, 2015 Community and Economic Development Committee agenda report, and certifies that the EIR has been prepared in accordance with CEQA, prior to taking action in approving the Coliseum Area Specific Plan, the amendments to Planning Code, and 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 Coliseum Area Specific Plan, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) set forth in Attachment H to the March 24, 2015 Community and Economic Development Committee agenda report.

Section 5. Title 17 of the Oakland Planning Code is hereby amended to (a) create new D-CO Zones for the Coliseum Area District, as detailed in *Exhibit A*; and (b) make related text amendments to other Planning Code Chapters *Exhibit B*; 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 throughout 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 Coliseum Area District zones as indicated in *Exhibit C*, attached hereto and hereby incorporated herein by reference.

Section 8. 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 9. 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 10. 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 11. The City Council adopts and incorporates by reference into this Ordinance (as if fully set forth herein), the Adoption Findings as set forth in Attachment I of the March 24, 2015 Community and Economic Development Committee agenda report, including, without limitation, finding and determining that the existing zoning for the Coliseum Area District is inadequate and contrary to public interest, and that the proposed zoning will implement the policies presented in the Coliseum Area District Specific 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 12. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. The Coliseum Area Specific Plan, 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 CASP 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 CASP; and all written evidence received by the relevant City Staff before and during the public hearings on the CASP; 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 13. 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 14. The Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies.

APR 21 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~, and PRESIDENT GIBSON MCELHANEY 7

NOES- 0

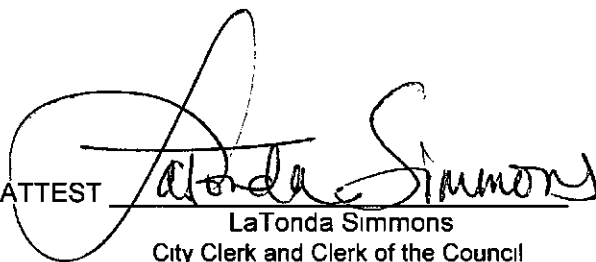
ABSENT- 0

ABSTENTION- 0

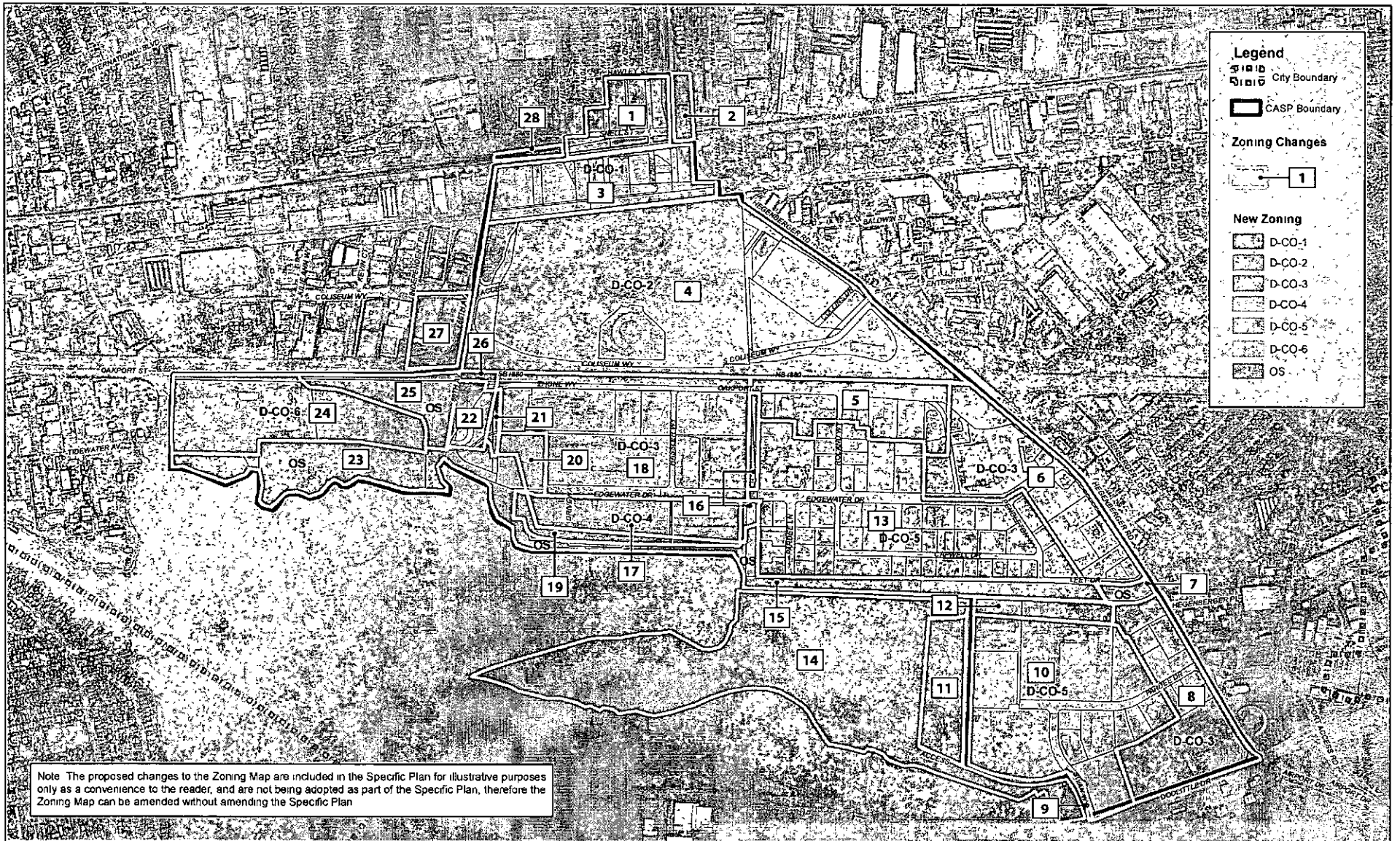
Excused- Reid - 1

Introduction Date

MAR 31 2015

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

DATE OF ATTESTATION. 4/28/15



COLISEUM SPECIFIC AREA PLAN
Figure 4.9-7: Proposed Zoning Code Amendments

EXHIBIT A TO ORDINANCE

Exhibit A (1) to 3/24/15 Community and Economic Development Committee ORDINANCE
Coliseum Area Specific Plan—Proposed General Plan Changes – 3/12/15

Table 7.2. Coliseum Area Proposed Zoning Amendments		
ID	Zoning Changes	Acres
1	Existing Zoning S-15 Proposed Zoning D-CO-1	17
2	Existing Zoning CIX-2 Proposed Zoning D-CO-1	4
3	Existing Zoning CR-1 Proposed Zoning D-CO-1	34
4	Existing Zoning CR-1 Proposed Zoning D-CO-2	191
5	Existing Zoning IO Proposed Zoning D-CO-3	31
6	Existing Zoning CR-1 Proposed Zoning D-CO-3	50
7	Existing Zoning CR-1 Proposed Zoning OS	3
8	Existing Zoning CR-1 Proposed Zoning D-CO-3	40
9	Existing Zoning M-40 Proposed Zoning D-CO-5	1
10	Existing Zoning CIX-2 Proposed Zoning D-CO-5	84
11	Existing Zoning CIX-2 Proposed Zoning OS	17
12	Existing Zoning M-40 Proposed Zoning D-CO-5	8
13	Existing Zoning IO Proposed Zoning D-CO-5	105
14	Existing Zoning M-40 Proposed Zoning OS ()	128
15	Existing Zoning M-40 Proposed Zoning OS	18
16	Existing Zoning IO Proposed Zoning OS	4
17	Existing Zoning IO Proposed Zoning D-CO-4	22
18	Existing Zoning IO Proposed Zoning D-CO-3	82
19	Existing Zoning M-40 Proposed Zoning D-CO-4	7
20	Existing Zoning IO Proposed Zoning Open Space	6
21	Existing Zoning IO Proposed Zoning OS	2
22	Existing Zoning CIX-2 Proposed Zoning OS	7
23	Existing Zoning M-40 Proposed Zoning OS	46
24	Existing Zoning M-40 Proposed Zoning D-CO-6	45
25	Existing Zoning M-40 Proposed Zoning OS	15
26	Existing Zoning CIX-2 Proposed Zoning D-CO-3	1
27	Existing Zoning CIX-2 Proposed Zoning CIX-1	11
28	Existing Zoning S-15 Proposed Zoning D-CO-1	2

Title 17 PLANNING

Chapters:

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

Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

Sections:

17.101H 010 Title, intent, and description

17.101H.020 Required design review.

17.101H.030 Permitted and conditionally permitted activities.

17.101H.040 Permitted and conditionally permitted facilities.

17.101H.050 Property development standards.

17.101H 060 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one (1) acre or more land area.

17.101H.070 Use permit criteria in the D-CO-1 Zone

17.101H.080 Special regulations for large scale developments

17.101H.090 Special regulations for Mini-lot and Planned Unit Developments.

17.101H 100 Other zoning provisions.

17.101H.010 Title, intent, and description.

A Title and Intent The provisions of this chapter shall be known as the D-CO Coliseum Area District Zones Regulations. The intent of the D-CO Zones is to:

1. Implement the Coliseum Area Specific Plan (CASP) in the Coliseum Plan Area;
2. Support retention of Oakland's professional sports teams, and the economic benefit of the sports teams and their facilities for the City of Oakland and Alameda County;
3. Allow for the consideration of residential, commercial, and mixed-use developments at high densities in designated locations in the Coliseum Plan Area;
4. Encourage the creation of a regionally significant jobs and employment center in the Coliseum Plan Area that builds on the area's prime transit-oriented and airport-adjacent location;
5. Establish development standards that allow a broad mix of uses to compatibly co-exist;
6. Provide convenient access to public open space and the waterfront.

2015 MAR 26 PM 2:42
Title 17 PLANNING

Chapters:

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

Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

Sections:

17.101H.010 Title, intent, and description.

17.101H.020 Required design review.

17.101H.030 Permitted and conditionally permitted activities.

17.101H.040 Permitted and conditionally permitted facilities

17.101H.050 Property development standards.

17.101H.060 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one (1) acre or more land area.

17.101H.070 Use permit criteria in the D-CO-1 Zone

17.101H.080 Special regulations for large scale developments.

17.101H.090 Special regulations for Mini-lot and Planned Unit Developments.

17.101H.095 Compliance with Oakland Airport Land Use Compatibility Plan

17.101H.100 Other zoning provisions.

17.101H.010 Title, intent, and description.

A. Title and Intent. The provisions of this chapter shall be known as the D-CO Coliseum Area District Zones Regulations. The intent of the D-CO Zones is to:

1. Implement the Coliseum Area Specific Plan (CASP) in the Coliseum Plan Area.
2. Support retention of Oakland's professional sports teams, and the economic benefit of the sports teams and their facilities for the City of Oakland and Alameda County;
3. Allow for the consideration of residential, commercial, and mixed-use developments at high densities in designated locations in the Coliseum Plan Area;
4. Encourage the creation of a regionally significant jobs and employment center in the Coliseum Plan Area that builds on the area's prime transit-oriented and airport-adjacent location;
5. Establish development standards that allow a broad mix of uses to compatibly co-exist;

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

6. Provide convenient access to public open space and the waterfront;
7. Improve access to the Coliseum Plan area's creeks, channels, and bay frontage, and provide recreational opportunities along these waterways;
8. Encourage quality and variety in building and landscape design, as well as compatibility in use and form; and
9. Encourage development that is respectful of the environmental qualities that the Coliseum Plan area has to offer.

B. Description of Zonos This Chapter establishes land use regulations for the following six (6) zones:

1. **D-CO-1 Coliseum Area Transit Oriented Development District Zone-1 (Coliseum BART/ San Leandro Street)**. The D-CO-1 Zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments, to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities.
2. **D-CO-2 Coliseum Area Commercial District Zone-2 (Coliseum District)**. The D-CO-2 Zone is intended to create, maintain and enhance areas that allow a broad mixture of residential, retail, commercial, office, and light industrial uses, and serve as region-drawing centers of sports, entertainment, and business activities.
3. **D-CO-3 Coliseum Area Commercial District Zone-3 (Oakport South / Hegenberger Road)**. The D-CO-3 Zone is intended to create, maintain and enhance areas suitable for a wide variety of retail, commercial, and industrial operations along the Oakport Street and Hegenberger Road corridors, and in region-drawing centers of commercial, and light industrial activities.
4. **D-CO-4 Coliseum Area Commercial District Zone-4 (Edgewater North / Waterfront)**. The D-CO-4 Zone is intended to create, maintain and enhance a mix of activities on or near the Northwest Edgewater Drive waterfront. This zone allows for the consideration of housing, if shown to be compatible in an area with a strong presence of commercial and industrial activities.
5. **D-CO-5 Coliseum Area Commercial Industrial Mix District Zone-5 (Edgewater South / Pardee Drive)**. The D-CO-5 Zone is intended to create, preserve, and enhance areas near Pardee Drive and within the southern portion of the Airport Business Park that are appropriate for a wide variety of office, commercial, industrial, and logistics activities.
6. **D-CO-6 Coliseum Area Commercial Industrial Mix District Zone-6 (Oakport North)**. The D-CO-6 Zone is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher intensity commercial and light industrial land uses and development types.

17.101H.020 Required design 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.

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

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. Properties located within the Land Use Jurisdiction of the Port of Oakland, as amended, are subject to the Port's Land Use and Development Code, which supersedes the Oakland Planning Code in areas of the Port's jurisdiction,

- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the Coliseum Area Specific Plan is required for any proposal in the D-CO 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 Coliseum Area Specific Plan, the design objectives in the Coliseum Area Specific Plan shall prevail.

17.101H.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.10.040

Table 17.101H.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Residential Activities</u>							
<u>Permanent</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>=</u>	<u>C(L1)(L4)</u>	<u>=</u>	<u>=</u>	
<u>Residential Care</u>	<u>C(L1)</u>	<u>C(L1)</u>	<u>=</u>	<u>C(L1)</u>	<u>=</u>	<u>=</u>	<u>17.103.010</u>

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Service-Enriched Permanent Housing</u>	<u>C(L1)</u>	<u>C(L1)</u>	=	<u>C(L1)</u>	=	=	<u>17.103.010</u>
<u>Transitional Housing</u>	<u>C(L1)</u>	<u>C(L1)</u>	=	<u>C(L1)</u>	=	=	<u>17.103.010</u>
<u>Emergency Shelter</u>	=	=	=	=	=	=	<u>17.103.010</u>
<u>Semi-Transient</u>	<u>C</u>	<u>C</u>	=	=	=	=	<u>17.103.010</u>
<u>Bed and Breakfast</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>P</u>	
<u>Limited Child-Care Activities</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C(L6)</u>	=	=	
<u>Community Assembly</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Recreational Assembly</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Community Education</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	=	<u>C</u>	
<u>Nonassembly Cultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Administrative</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Health Care</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	
<u>Special Health Care</u>	=	=	=	=	=	=	
<u>Utility and Vehicular</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Extensive Impact</u>	<u>C</u>	<u>C</u>	<u>C(L5)</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Commercial Activities</u>							
<u>General Food Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	
<u>Full Service Restaurants</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	
<u>Limited Service Restaurant and Cafe</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	
<u>Fast-Food Restaurant</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.103.030 and 8.09</u>
<u>Convenience Market</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>C</u>	<u>17.103.030</u>
<u>Alcoholic Beverage Sales</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>17.103.030 and 17.114.030</u>
<u>Mechanical or Electronic Games</u>	<u>C</u>	<u>P</u>	<u>C(L6)</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Medical Service</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>General Retail Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C(L10)</u>	<u>P</u>	
<u>Large-Scale Combined Retail and Grocery Sales</u>	<u>=</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Consumer Service</u>	<u>P(L8)</u>	<u>P(L8)</u>	<u>P(L8)</u>	<u>P(L8)</u>	<u>C</u>	<u>C</u>	<u>17.102.170 and 17.102.450</u>

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Consultative and Financial Service</u>	P	P	P	P	=	=	
<u>Check Cashier and Check Cashing</u>	=	=	=	=	=	=	<u>17.103.040</u>
<u>Consumer Cleaning and Repair Service</u>	P	P	P	P	=	=	
<u>Consumer Dry Cleaning Plant</u>	C	C	C	C	=	=	
<u>Group Assembly</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	
<u>Personal Instruction and Improvement Services</u>	P	P	P	C	C	C	
<u>Administrative</u>	P	P	P	P	P	P	
<u>Business, Communication, and Media Services</u>	P	P	P	P	P	P	
<u>Broadcasting and Recording Services</u>	P	P	P	P	P	P	
<u>Research Service</u>	P	P	P	P	P	P	
<u>General Wholesale Sales</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L3)</u>	<u>P(L2)</u>	P	<u>P(L2)</u>	
<u>Transient Habitation (Hotels)</u>	C	C	C	C	=	C	<u>17.103.050</u>
<u>Building Material Sales</u>	=	=	=	=	C	=	

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

Activities	Zones						Additional Regulations
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	<u>C</u>	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	=	=	<u>C(L11)</u>	=	=	=	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	=	=	<u>C(L11)</u>	=	=	=	
<u>Taxi and Light Fleet-Based Services</u>	=	=	=	=	=	=	
<u>Automotive Fee Parking</u>	<u>C</u>	<u>C</u>	<u>C(L11)(L15)</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Animal Boarding</u>	=	=	<u>C(L11)(L13)</u>	=	=	=	
<u>Animal Care</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	=	
<u>Undertaking Service</u>	=	=	=	=	=	=	
<u>Industrial Activities</u>							
<u>Custom Manufacturing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.120</u>
<u>Light Manufacturing</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P(L3)</u>	<u>P</u>	<u>P</u>	<u>17.120</u>
<u>General Manufacturing</u>	=	=		=	<u>C(L11)(L13)</u>	=	
<u>Heavy/High Impact</u>	=	=	=	=	=	=	

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Research and Development</u>	P	P	P	P	P	P	
<u>Construction Operations</u>	=	=	=	=	C	=	
<u>Warehousing, Storage, and Distribution-Related:</u>							
<u>A. General Warehousing, Storage and Distribution</u>	=	P(L3)(L9)	P(L9)	P(L3)(L9)	P(L9)	P(L9)	
<u>B. General Outdoor Storage</u>	=	=	=	=	C(L11)(L13)	C(L13)	
<u>C. Self- or Mini Storage</u>	=	=	=	=	C(L11)	=	
<u>D. Container Storage</u>	=	=	=	=	=	=	
<u>E. Salvage/Junk Yards</u>	=	=	=	=	=	=	
<u>Regional Freight Transportation-Related:</u>							
<u>A. Seaport</u>	=	=	=	=	=	=	
<u>B. Rail Yard</u>	=	=	=	=	=	=	
<u>Trucking and Truck-Related:</u>							
<u>A. Freight/Truck Terminal</u>	=	=	=	=	C(L7)	=	
<u>B. Truck Yard</u>	=	=	=	=	C(L7)	=	
<u>C. Truck Weigh Stations</u>	=	=	=	=	C(L7)	=	

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

Activities	Zones						Additional Regulations
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>D. Truck & Other Heavy Vehicle Sales, Rental & Leasing</u>	=	=	=	=	C(L7)	=	
<u>E. Truck & Other Heavy Vehicle Service, Repair, and Refueling</u>	=	=	=	=	C(L7)	=	
<u>Recycling and Waste-Related:</u>							
<u>A. Satellite Recycling Collection Centers</u>	=	=	=	=	=	=	
<u>B. Primary Recycling Collection Centers</u>	=	=	=	=	=	=	<u>17.73.035</u>
<u>Hazardous Materials Production, Storage, and Waste Management-Related:</u>							
<u>A. Small Scale Transfer and Storage</u>	=	=	=	=	=	=	
<u>B. Industrial Transfer/Storage</u>	=	=	=	=	=	=	
<u>C. Residuals Repositories</u>	=	=	=	=	=	=	
<u>D. Oil and Gas Storage</u>	=	=	=	=	=	=	
<u>Agriculture and Extractive Activities</u>							
<u>Limited Agriculture</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	
<u>Extensive Agriculture</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

Activities	Zones						Additional Regulations
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Plant Nursery</u>	=	C	C	C	C(L12)	C(L12)	
<u>Mining and Quarrying</u>	=	=	=	=	=	=	
<u>Accessory off-street parking serving prohibited activities</u>	C	C	C	C	C	C	<u>17.116.175</u>
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	C	C	C	C	C	C	<u>17.102.110</u>

Limitations on Table 17.101H.01:

L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

L2. The total floor area devoted to these activities by a single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)

L3. The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L4. This activity is only permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and to all of the following additional use permit criteria:

- 1. That the project is designed in a way that minimizes the potential health impacts of locating a residential use near the surrounding activities;**
- 2. That new development will meet residential environmental safety standards;**
- 3. That the design of the development accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters in a manner that protects both human infrastructure as well as the natural aquatic resources of San Leandro Bay;**

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

4. That avigation easements for the Oakland International Airport will be negotiated with future owners or tenants, and deed disclosures about proximity to Airport operations will be made; and

5. That measures that minimize adverse impacts to the surrounding activities have been incorporated into the project.

L5. The Extensive Impact Civic Activity category includes, but is not limited to, stadiums and sports arenas (see Section 17.10.240.Q). In the D-CO-3 Zone, stadiums and sports arenas are only allowed in the area between Damon Slough and Elmhurst Creek.

L6. Conditionally permitted if located in the D-CO-3 or D-CO-4 Zones between Damon Slough and Elmhurst Creek; prohibited if located elsewhere in the D-CO-3 or D-CO-4 Zones (see Chapter 17.134 for the CUP procedure).

L7. In the D-CO-5 Zone, these activities are only allowed in the area between San Leandro Creek and Doolittle Drive.

L8. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to Laundromats.

L9. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L10. Permitted outright if located within five hundred (500) feet of Highway 880 or Hegenberger Road; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure).

L11. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way.

L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.

L13. Any Outdoor Storage activities to be located within three hundred (300) feet of: a) the Oakport Street right-of-way, b) the Estuary or Bay shoreline; c) the Damon Slough, Elmhurst Creek, East Creek Slough, or San Leandro Creek top of bank; or d) any Open Space zone shall only be permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and to all of the following additional use permit criteria:

1. The activity is screened in a manner as determined by the Planning Director, including but not limited to, buffer planting installed along the site exterior; and

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

L14. 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

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L15. Existing fee parking lots within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted

L16. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is large; in either land or sales area (see Chapter 17.134 for the CUP procedure).

L17. Extensive Agriculture 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 effect 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.

17.101H.040 Permitted and conditionally permitted facilities.

Table 17.101H.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-CO zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

Table 17.101H.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Residential Facilities</u>							
<u>One-Family Dwelling</u>	=	=	=	=	=	=	
<u>One-Family Dwelling with Secondary Unit</u>	=	=	=	=	=	=	17.103.080
<u>Two-Family Dwelling</u>	<u>P</u>	<u>P</u>	=	<u>C</u>	=	=	
<u>Multifamily Dwelling</u>	<u>P</u>	<u>P</u>	=	<u>C</u>	=	=	
<u>Rooming House</u>	=	=	=	=	=	=	
<u>Mobile Home</u>	=	=	=	=	=	=	
<u>Nonresidential Facilities</u>							
<u>Enclosed Nonresidential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Open Nonresidential</u>	<u>C(L1)</u>	<u>P</u>	<u>P</u>	<u>C(L1)</u>	<u>P</u>	<u>P</u>	
<u>Sidewalk Cafe</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	17.103.090
<u>Drive-In</u>	=	<u>C</u>	<u>C</u>	=	=	=	
<u>Drive-Through</u>	=	<u>C(L2)</u>	<u>C(L2)</u>	=	=	=	17.103.100
<u>Telecommunications Facilities</u>							
<u>Micro Telecommunications</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	17.128
<u>Mini Telecommunications</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	17.128

EXHIBIT B to ORDINANCE; REVISED FOR MARCH 31, 2015 COUNCIL HEARING

Facilities	Zones						Additional Regulations
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Macro Telecommunications</u>	<u>C</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>C</u>	<u>C</u>	<u>C</u>	<u>C</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>=</u>	<u>17.128</u>
<u>Sign Facilities</u>							
<u>Residential Signs</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</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>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>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>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>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>P</u>	<u>17.104</u>
<u>Advertising Signs</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.104</u>

Limitations on Table 17.101H.02:

L1. Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17 134 for the CUP procedure).

L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than three hundred (300) feet of a lot line adjacent to the Hegenberger Road or Oakport Street right-of-way, or 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. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones.

17.101H.050 Property development standards.

Zone Specific Standards Table 17 101H 03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to that zone

Table 17.101H.03 Property Development Standards

<u>Development Standards</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Minimum Lot Dimensions</u>							
<u>Width mean</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>1</u>
<u>Frontage</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>1</u>
<u>Lot area</u>	<u>4,000 sf.</u>	<u>5,000 sf.</u>	<u>5,000 sf.</u>	<u>5,000 sf.</u>	<u>10,000 sf.</u>	<u>10,000 sf.</u>	<u>1</u>
<u>Minimum/Maximum Setbacks</u>							
<u>Minimum front</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0/10 ft.</u>	<u>0 ft.</u>	<u>10 ft.</u>	<u>0 ft.</u>	<u>2</u>
<u>Minimum interior side</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>2</u>
<u>Minimum street side of a corner lot</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>2</u>
<u>Rear (residential facilities)</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>N/A</u>	<u>10 ft.</u>	<u>N/A</u>	<u>N/A</u>	<u>2, 3</u>
<u>Rear (nonresidential facilities)</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>3</u>

EXHIBIT B to ORDINANCE; REVISED FOR MARCH 31, 2015 COUNCIL HEARING

Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Height Regulations							
Maximum height allowed by right	159 ft.	159 ft.	159 ft.	85 ft.	85 ft.	85 ft.	4, 5, 6 Additional height above the maximum by-right of 159 feet may be allowed in D-CO-1, 2, and 3, pursuant to the additional regulations in this Table
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls.						
Maximum fence height adjacent to Open Space zones	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular Units	130	130	N/A	260	N/A	N/A	
Rooming Units	65	65	N/A	130	N/A	N/A	
Maximum Nonresidential Intensity (Floor Area Ratio)							
Maximum Nonresidential Floor Area Ratio (FAR)	8.0	8.0	6.0	5.0	4.0	4.0	

EXHIBIT B to ORDINANCE: REVISED FOR MARCH 31, 2015 COUNCIL HEARING

<u>Development Standards</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Minimum Usable Open Space</u>							
<u>Usable Open Space per Regular Dwelling Unit</u>	75 sf.	75 sf.	N/A	100 sf.	N/A	N/A	
<u>Usable open space per Rooming Unit</u>	38 sf.	38 sf.	N/A	50 sf.	N/A	N/A	
<u>Minimum Parking and Loading Requirements</u>	See Chapter 17.116 for loading and automobile parking; and Chapter 17.117 for bicycle parking						
<u>Minimum Required Parking</u>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking						
<u>Courtyard Regulations</u>	See Sec. 17.108.120	See Sec. 17.108.120	N/A	See Sec. 17.108.120	N/A	N/A	
<u>Landscaping Regulations</u>							
<u>Site landscaping (% of entire lot area)</u>	See Chs.17.110 and 17.124	See Chs.17.110 and 17.124	5%	See Chs.17.110 and 17.124	5%	5%	7, 8, 9
<u>Parking lot landscaping (% of parking lot area)</u>	See Chs.17.110 and 17.124	See Chs.17.110 and 17.124	10%	See Chs.17.110 and 17.124	10%	10%	7, 8

Additional Regulations for Table 17.101H.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width, and street frontage regulations.

2. In the D-CO-3 Zone, a minimum front yard setback area of ten (10) feet shall apply to frontages adjacent to the Hegenberger Road and Oakport Street right-of-way, except for retail and similar facilities oriented toward pedestrian activity. This minimum front yard in the D-CO-3 Zone, where applicable, shall be developed as open landscaped areas, including but not limited to lawn, ground cover, shrubs, trees, and decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. In the D-CO-1, D-CO-2, and D-CO-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.

3. In the D-CO-1, D-CO-2, and D-CO-4 Zones, wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

4. The height of all structures shall be subject to Federal Aviation Administration (FAA) regulations.

5. The maximum by-right height of 159 feet above mean sea level, or otherwise exceed the applicable Federal Aviation Regulations (FAR) Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan may only be exceeded in the following situation:

a) The proposed structure has been reviewed by the FAA in accordance with FAR Part 77 and the City receives:

i) An FAA finding that the structure is "No Hazard To Air Navigation" and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an Alameda County Airport Land Use Commission (ALUC) determination that the proposed structure is consistent with the Oakland International Airport Land Use Compatibility Plan (ALUCP); and

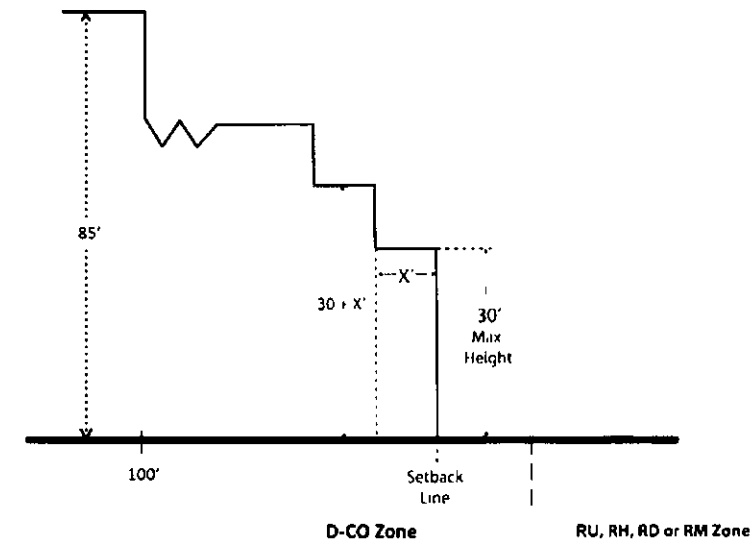
ii) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards; and

b) The additional height has received approval pursuant to the City's conditional use permit procedure (see Chapter 17.134).

6. Buildings shall have an eighty-five (85) foot maximum height when located within one hundred (100 feet) of any lot line that abuts a lot in a RH, RD, RM, RU, or S-15 zone. In addition, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, RM, or RU zone, this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.101H.03 [Additional Regulation 6], below). Also, see Section 17.108.090 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17 101H 03 [Additional Regulation 6]

*for illustration purposes only



7. All projects which involve the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, shall comply with the landscape requirements in this chapter and in Chapter 17.124. Landscaping shall consist of pervious surface with lawn, ground cover, shrubs, permeable paving materials, and/or trees and which is irrigated and maintained. See Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards.

8. Parking Lot Landscaping applies only to lots associated with new construction of more than ten thousand (10,000) square feet of floor area. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces through the parking lot. A minimum of ten percent (10%) of a surface parking lot shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls which may be provided entirely in permeable surfacing in lieu of irrigated landscaping if approved through the Design Review process (see Chapter 17.136). Parking lots located adjacent to a public right-of-way shall include screening consisting of a minimum of five (5) foot deep planted area or a three (3) foot tall opaque, concrete, or masonry wall with a minimum three (3) foot deep planted area. Chain link, cyclone, and barbed wire fencing is prohibited in all cases.

9. For all projects involving the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, street trees are required (see Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards). In addition to the general landscaping requirements set forth above, a minimum of one (1) 15-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.

17.101H.090 Special regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that apply to individual lots in the D-CO Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the D-CO Zones, and certain of the other regulations applying in said zones may be waived or modified.

17.101H.095 Compliance with Oakland Airport Land Use Compatibility Plan.

The Oakland International Airport Land Use Compatibility Plan (ALUCP) details the types of development inside the Airport Influence Area (the land west of San Leandro Street) which are to be reviewed by the Alameda County Airport Land Use Commission (ALUC). New development in any D-CO zone which meets the definitions of Section 2.6.2 "Land Use Actions Recommended for ALUC review" is to follow the review process in the Airport Land Use Compatibility Plan.

17.101H.100 Other zoning provisions.

The following contains referrals to other regulations that may apply.

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the D-CO Zones.
- B. 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.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-CO Zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the D-CO Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.
- G. Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts in Chapter 17.120 shall apply in the D-CO Zones.

NOTICE AND DIGEST

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO (A) CREATE THE D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS; (B) MAKE CONFORMING, BUT NON-SUBSTANTIVE CHANGES TO OTHER PLANNING CODE SECTIONS IN THE COLISEUM SPECIFIC PLAN, LAKE MERRITT STATION AREA PLAN AND WEST OAKLAND SPECIFIC PLAN AREAS; AND (C) ADOPT REVISED ZONING AND HEIGHT AREA MAPS.

This Ordinance creates (a) six new Coliseum Area District zones and replaces the existing zoning in the Coliseum Area to implement the Coliseum Area Specific Plan; and (b) makes changes associated to the new Coliseum zones throughout the Planning Code, including non-substantive changes to the Lake Merritt Station Area Plan and West Oakland Specific Plan areas, as well as related changes to the Zoning and Height Maps. The Coliseum Area Specific Plan is intended to guide future development at the Oakland-Alameda County Coliseum Complex and the 800 acres surrounding it, including the Coliseum BART parking lots, the Oakland Airport Business Park, and land owned by the City, and by East Bay Municipal Utility District, between Oakport Street and the San Leandro Bay shoreline. The Coliseum Area Specific Plan includes a development program that could permit up to three new professional sports venues, 5,750 new residential units, and the addition of approximately eight million square feet of new office, light industrial, logistics and retail space.

NOTICE AND DIGEST

ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO (A) CREATE THE D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS; (B) MAKE CONFORMING, BUT NON-SUBSTANTIVE CHANGES TO OTHER PLANNING CODE SECTIONS IN THE COLISEUM SPECIFIC PLAN, LAKE MERRITT STATION AREA PLAN AND WEST OAKLAND SPECIFIC PLAN AREAS; AND (C) ADOPT REVISED ZONING AND HEIGHT AREA MAPS

This Ordinance creates (a) six new Coliseum Area District zones and replaces the existing zoning in the Coliseum Area to implement the Coliseum Area Specific Plan; and (b) makes changes associated to the new Coliseum zones throughout the Planning Code, including non-substantive changes to the Lake Merritt Station Area Plan and West Oakland Specific Plan areas, as well as related changes to the Zoning and Height Maps. The Coliseum Area Specific Plan is intended to guide future development at the Oakland-Alameda County Coliseum Complex and the 800 acres surrounding it, including the Coliseum BART parking lots, the Oakland Airport Business Park, and land owned by the City, and by East Bay Municipal Utility District, between Oakport Street and the San Leandro Bay shoreline. The Coliseum Area Specific Plan includes a development program that could permit up to three new professional sports venues, 5,750 new residential units, and the addition of approximately eight million square feet of new office, light industrial, logistics and retail space.

Notice of Publication

This Ordinance was introduced at the City Council meeting, Tuesday evening **March 31, 2015**, and passed to print **7 Ayes, 1 Abstain - Brooks**. Final adoption has been scheduled for the City Council meeting Tuesday evening **April 21, 2015, 5:30 p.m.**, at One Frank H. Ogawa Plaza, Council Chambers, 3rd floor, Oakland, California.

Three full copies are available for use and examination by the public in the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California.

LATONDA SIMMONS, City Clerk
OT #5460429; Apr. 18, 2015