

INTRODUCED BY COUNCILMEMBER _____

[Signature]
CITY ATTORNEY

REVISED

ORDINANCE NO. 12501 C.M.S.

AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO ESTABLISH A MINISTERIAL PROCESS FOR THE APPROVAL OF ALL SECONDARY UNITS IN SPECIFIED ZONES AND TO MAKE MINOR AMENDMENTS TO THE DENSITY BONUS LAW, BOTH AS REQUIRED BY AB 1866.

WHEREAS, in late summer 2002, the City Planning Commission requested that staff review the zoning regulations regarding the construction of Secondary Units with regard to the requirement for a Major Conditional Use Permit; and

WHEREAS, in October of 2002, the state legislature and governor signed into law Assembly Bill 1866. This new law, which goes into effect July 1, 2003, requires that applications for the construction of all Secondary Units (commonly known as “in-law units” or “granny flats”) in all California cities be processed via a ministerial (by-right) process rather than a discretionary process. The law separately requires local jurisdictions broaden the type of housing eligible for density bonuses that are to be made available for new affordable housing developments.; and

WHEREAS, on April 7, 2003, Planning & Zoning staff held an informational community meeting to discuss the new state law and the proposed Zoning Text Amendment with the general public, and to explain the changes that would be brought about by the proposed Zoning Text Amendment; and

WHEREAS, a duly noticed public hearing was held on this matter by the City Planning Commission on May 7, 2003; and

WHEREAS, thereafter on the same date the City Planning Commission voted to recommend amending the Oakland Planning Code as set forth below; and

WHEREAS, said amendments to the Oakland Planning Code do not necessitate amendments to the Master Fee Schedule; and

WHEREAS, said amendments to the Oakland Planning Code are exempt from environmental review under Section 15282(i), State CEQA Guidelines, other statutory exemptions; and

WHEREAS, the City Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the proposed amendment; now, therefore

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

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

SECTION 2. The City Council finds and determines that the adoption of this Ordinance complies with the California Environmental Quality Act.

SECTION 3. This Ordinance shall be effective upon adoption, subject to the provisions of Section 216 of the Charter of the City of Oakland, but shall not apply to applications for which currently valid building permits have already been issued or to un-expired zoning applications approved by the City for which permits have not been issued.

SECTION 4. If any provisions of this Ordinance or application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of provisions to other persons or circumstances shall not be affected thereby.

SECTION 5. Section 17.11A.020 of the Oakland Planning Code is amended to read as follows:

17.11A.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 6. Section 17.11A.060 (R-1, One-Acre Estate Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.11A.060 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
- D. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128
 - Mini, except as provided in Chapter 17.128

SECTION 7. Section 17.11A.070 (R-1, One-Acre Estate Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.11A.070 Conditionally permitted facilities.

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

- ~~A. Residential Facilities:~~
 - ~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.12.100B~~
- ~~B.A. Signs:~~
 - Business
- ~~C.B. Telecommunications Facilities:~~
 - Micro, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
 - Mini, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
 - Macro
 - Monopole

SECTION 8. Section 17.11A.100 (R-1, One-Acre Estate Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.11A.100 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. ~~A dwelling structure shall not be permitted to have both an additional kitchen as provided for in Section 17.102.270(B) and a secondary unit.~~ No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

- A. Permitted Density. One dwelling unit is permitted on each lot. A Secondary Unit may be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.
- ~~B. Conditionally Permitted Density. A secondary unit may be permitted, thereby making a total of two dwelling units on the lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the provisions of Section 17.102.360.~~

SECTION 9. Section 17.12.020 (R-10, Estate Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.12.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, This requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 10. Section 17.12.060 (R-10, Estate Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.12.060 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:

Residential
Special
Development
Realty
Civic

- D. Telecommunications Facilities:
Micro, except as provided in Chapter 17.128
Mini, except as provided in Chapter 17.128

SECTION 11. Section 17.12.070 (R-10, Estate Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.12.070 Conditionally permitted facilities.

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

~~A. Residential Facilities:~~

~~One Family Dwelling with Secondary Unit, subject to the standards, criteria and conditions specified in Section 17.102.360.~~

~~B.A. Signs:~~

~~Business~~

~~C.B. Telecommunications Facilities:~~

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

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

~~Macro~~

~~Monopole~~

SECTION 12. Section 17.12.100 (R-10, Estate Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.12.100 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms.

~~A dwelling structure shall not be permitted to have both an additional kitchen as provided for in Section 17.102.270(B) and a secondary unit. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a secondary unit.~~

A. Permitted Density. One dwelling unit is permitted on each lot. A Secondary Unit may be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.

~~B. Conditionally Permitted Density. A secondary unit may be permitted, thereby making a total of two dwelling units on the lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the provisions of Section 17.102.360.~~

SECTION 13. Section 17.14.020 (R-20, Low Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.14.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 14. Section 17.14.060 (R-20, Low Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.14.060 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
- D. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128
 - Mini, except as provided in Chapter 17.128

SECTION 15. Section 17.14.070 (R-20, Low Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.14.070 Conditionally permitted facilities.

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

A. ~~Residential Facilities:~~

~~One Family Dwelling with Secondary Unit, subject to the standards, criteria and conditions specified in Section 17.102.360.~~

B.A. Signs:

Business

C.B. Telecommunications Facilities:

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

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

Macro

Monopole

SECTION 16. Section 17.14.100 (R-20, Low Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.14.100 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. ~~A dwelling structure shall not be permitted to have both an additional kitchen as provided for in Section 17.102.270(B) and a secondary unit.~~ No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a secondary unit.

A. Permitted Density. One dwelling unit is permitted on each lot. A Secondary Unit may be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.

B. ~~Conditionally Permitted Density. A secondary unit may be permitted, thereby making a total of two dwelling units on the lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the provisions of Section 17.102.360.~~

SECTION 17. Section 17.16.020 (R-30, One-Family Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.16.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 18. Section 17.16.060 (R-30, One-Family Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.16.060 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
- D. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128
 - Mini, except as provided in Chapter 17.128

SECTION 19. Section 17.16.070 (R-30, One-Family Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.16.070 Conditionally permitted facilities.

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

- ~~A. Residential Facilities:
 - ~~One-Family Dwelling with Secondary Unit, subject to the standards, criteria and conditions specified in Section 17.102.360.~~~~
- B.A. Signs:
 - Business
- ~~C.B. Telecommunications Facilities:~~

Micro, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
Mini, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
Macro
Monopole

SECTION 20. Section 17.16.100 (R-30, One-Family Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.16.100 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. ~~A dwelling structure shall not be permitted to have both an additional kitchen as provided for in Section 17.102.270(B) and a secondary unit.~~ No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a secondary unit.

- A. Permitted Density. One dwelling unit is permitted on each lot. A Secondary Unit may be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.
- ~~B. Conditionally Permitted Density. A secondary unit may be permitted, thereby making a total of two dwelling units on the lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and the provisions of Section 17.102.360.~~

SECTION 21. Section 17.18.020 (R-35, Special One-Family Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.18.020 Special residential design review for projects with one or two units on a lot.

- A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.
- B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:
1. Does not require a building permit;
 2. Involves only the repair or replacement-in-kind of a roof;
 3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or

4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 22. Section 17.18.060 (R-35, Special One-Family Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.18.060 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
- D. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128
 - Mini, except as provided in Chapter 17.128

SECTION 23. Section 17.18.070 (R-35, Special One-Family Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.18.070 Conditionally permitted facilities.

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

- A. Residential Facilities:
 - ~~One-Family Dwelling with Secondary Unit, subject to the standards, criteria and conditions specified in Section 17.102.360.~~
 - Two-Family Dwelling
- B. Signs:
 - Business
- C. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
 - Mini, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
 - Macro
 - Monopole

SECTION 24. Section 17.18.100 (R-35, Special One-Family Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.18.100 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a secondary unit.

- A. Permitted Density. One dwelling unit is permitted on each lot. A Secondary Unit may be permitted, thereby making a total of two dwelling units on the lot, subject to the provisions of Section 17.102.360.
- B. Conditionally Permitted Density. A total of two dwelling units may be permitted on any lot which has five thousand (5,000) square feet or more of lot area, or on any lot which has four thousand (4,000) to four thousand nine hundred ninety-nine (4,999) square feet of lot area and qualifies under Section 17.106.010 as an existing buildable parcel, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. ~~On lots less than four thousand (4,000) square feet in size and/or less than forty five (45) feet in width a secondary unit may be permitted, thereby making a total of two dwelling units on the lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the permit standards, criteria and conditions specified in Section 17.102.360.~~

SECTION 25. Section 17.20.020 (R-36, Small Lot Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.20.020 Design review for construction or alteration.

No building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the provisions of Section 17.20.070, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on Signs the customary use of which involves frequent and periodic changes of copy.

SECTION 26. Section 17.20.025 (R-36, Small Lot Residential Zone) is added to the Oakland Planning Code to read as follows:

17.20.025 Special residential design review for Secondary Units.

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

SECTION 27. Section 17.20.050 (R-36, Small Lot Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.20.050 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling

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

Two-Family Dwelling

B. Nonresidential Facilities:

Enclosed

Open

C. Signs:

Residential

Special

Development

Realty

Civic

D. Telecommunications Facilities:

Micro, except as provided in Chapter 17.128

Mini, except as provided in Chapter 17.128

SECTION 28. Section 17.20.060 (R-36, Small Lot Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.20.060 Conditionally permitted facilities.

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

A. Residential Facilities:

Multi-family Dwelling

~~One-Family Dwelling with Secondary Unit, subject to the standards, criteria and conditions specified in Section 17.102.360.~~

B. Signs:

Business

C. Telecommunications Facilities:

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

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

Macro

Monopole

SECTION 29. Section 17.20.100 (R-36, Small Lot Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.20.100 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a sSecondary unit, ~~as provided for in subsection (B)(1) of this section.~~

A. Permitted Density. The numbers of dwelling units indicated in the following table are permitted on the lots of the specified sizes:

| Total Lot Area | Permitted Total Number of Dwelling Units |
|--|---|
| Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel. | One dwelling unit <u>or one dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.</u> |
| 4,000--4,999 square feet, but only in the case of a lot that qualifies under Section 17.106.010 as an existing buildable parcel. | Two dwelling units. |
| 5,000 or more square feet. | Two dwelling units. |

B. Conditionally Permitted Density.

- ~~1. Lots Less Than Four Thousand (4,000) Square Feet in Size and/or Forty Five (45) Feet in Width. A secondary unit may be permitted, thereby making a total of two dwelling units on the lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to all the standards, criteria and conditions specified in Section 17.102.360.~~
2. ~~Lots Exceeding Four Thousand (4,000) Square Feet.~~ A total of three or more Residential Facilities may be permitted on a lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, if the total area is not less than two thousand five hundred (2,500) square feet for each dwelling unit. In such developments, no more than two dwelling units may be contained in a single residential facility in situations where One-Family and Two-Family Dwellings predominate within the block containing the subject site. No limitations on the number of units which may be contained in a Multifamily Facility is prescribed in situations where similar Multifamily Dwellings predominate within the block containing the subject site. The number of dwelling units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

SECTION 30. Section 17.22.020 (R-40, Garden Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.22.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 31. Section 17.22.070 (R-40, Garden Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.22.070 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
 - Two-Family Dwelling
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
- D. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128
 - Mini, except as provided in Chapter 17.128

SECTION 32. Section 17.22.080 (R-40, Garden Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.22.080 Conditionally permitted facilities.

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

- A. Residential Facilities:
 - ~~One-Family Dwelling with Secondary Unit, subject to the standards, criteria and conditions specified in Section 17.102.360.~~
 - Multi-family Dwelling
- B. Signs:
 - Business
- C. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
 - Mini, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
 - Macro

Monopole

SECTION 33. Section 17.22.110 (R-40, Garden Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.22.110 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. The numbers of dwelling units indicated in the following table are permitted on the lots of the specified sizes:

| Total Lot Area | Permitted Total Number of Dwelling Units |
|--|---|
| Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel. | One dwelling unit <u>or one dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.</u> |
| 4,000--4,999 square feet, but only in the case of a lot that qualifies under Section 17.106.010 as an existing buildable parcel. | Two dwelling units. |
| 5,000 or more square feet. | Two dwelling units. |

B. Conditionally Permitted Density. A total of three or more dwelling units may be permitted on a lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, if the total lot area is not less than two thousand five hundred (2,500) square feet for each dwelling unit. ~~On lots less than four thousand (4,000) square feet in size and/or less than forty five (45) feet in width a secondary unit may be permitted, thereby making a total of two dwelling units on the lot, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the permit standards, criteria and conditions specified in Section 17.102.360.~~ The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

SECTION 34. Section 17.24.020 (R-50, Medium Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.24.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, ~~¶~~ this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not

apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 35. Section 17.24.070 (R-50, Medium Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.24.070 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
 - Two-Family Dwelling
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
- D. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128
 - Mini, except as provided in Chapter 17.128

SECTION 36. Section 17.24.080 (R-50, Medium Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.24.080 Conditionally permitted facilities.

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

- A. Residential Facilities:
 - ~~One-Family Dwelling with Secondary Unit, subject to the standards, criteria and conditions specified in Section 17.102.360.~~

- Multi-family Dwelling
- B. Signs:
 - Business
- C. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
 - Mini, except as provided in Chapter 17.128 and Section 17.134.020(A)(23)
 - Macro
 - Monopole

SECTION 37. Section 17.24.110 (R-50, Medium Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.24.110 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

- A. Permitted Density. The numbers of dwelling units indicated in the following table are permitted on the lots of the specified sizes:

| Total Lot Area | Permitted Total Number of Dwelling Units |
|--|--|
| Less than 4,000 square feet, but only in the case of a lot which qualifies under Section 17.106.010 as an existing buildable parcel. | One dwelling unit <u>or one dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.</u> |
| 4,000 or more square feet. | Two dwelling units <u>or one dwelling unit with one Secondary Unit, subject to the provisions specified in Section 17.102.360.</u> |

- B. Conditionally Permitted Density. On lots of the following sizes, the number of dwelling units allowed by subsection A of this section may be increased to not to exceed that indicated in the following table upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134:

| Total Lot Area | Permitted Total Number of Dwelling Units |
|-----------------------------|--|
| 4,500—4,999 square feet. | Three dwelling units. |
| 5,000—6,999 square feet. | Four dwelling units. |
| 7,000—8,499 square feet. | Five dwelling units. |
| 8,500—9,999 square feet. | Six dwelling units. |
| 10,000 or more square feet. | One dwelling unit for each 1,500 square feet of total lot area, provided that an extra dwelling unit may be permitted if a remainder of 1,000 square feet or more is obtained after division of the total lot area by 1,500 square feet. |

~~On lots less than four thousand (4,000) square feet in size and/or less than forty five (45) feet in width a secondary unit may be permitted, thereby making a total of two dwelling units on the lot,~~

~~upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the permit standards, criteria and conditions specified in Section 17.102.360.~~

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

SECTION 38. Section 17.26.020 (R-60, Medium-High Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.26.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 39. Section 17.26.070 (R-60, Medium-High Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.26.070 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
 - Two-Family Dwelling
 - Multifamily Dwelling
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:

Residential
Special
Development
Realty
Civic

- D. Telecommunications Facilities:
Micro, except as provided in Chapter 17.128
Mini, except as provided in Chapter 17.128

SECTION 40. Section 17.26.110 (R-60, Medium-High Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.26.110 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Basic Density. One regular dwelling unit is permitted for each eight hundred (800) square feet of lot area, provided that one extra such unit is permitted if a remainder of five hundred fifty (550) square feet or more is obtained after division of the lot area by eight hundred (800) square feet. One efficiency dwelling unit is permitted for each five hundred fifty (550) square feet of lot area, provided that one extra such unit is permitted if a remainder of four hundred (400) square feet or more is obtained after division of the lot area by five hundred fifty (550) square feet. The maximum number of rooming units shall be one for each four hundred (400) square feet of lot area, plus one extra such unit if a remainder of two hundred seventy-five (275) square feet or more is obtained after division of the lot area by four hundred (400) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

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

SECTION 41. Section 17.28.020 (R-70, High Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.28.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of

this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 42. Section 17.28.070 (R-70, High Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.28.070 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
 - Two-Family Dwelling
 - Multifamily Dwelling
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
- D. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128
 - Mini, except as provided in Chapter 17.128

SECTION 43. Section 17.28.120 (R-70, High Density Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.28.120 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Basic Density. One regular dwelling unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. One efficiency dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred twenty-five (225) square feet or more is obtained after division of the lot area by three hundred (300) square feet. The maximum number of rooming units shall be one for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Density Bonuses. The number of living units allowed by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;
2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

SECTION 44. Section 17.30.020 (R-80, High-Rise Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.30.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, ~~this~~ requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not

apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 45. Section 17.30.070 (R-80, High-Rise Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.30.070 Permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling

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

Two-Family Dwelling

Multifamily Dwelling

Rooming House

B. Nonresidential Facilities:

Enclosed

Open

C. Signs:

Residential

Special

Development

Realty

Civic

D. Telecommunications Facilities:

Micro, except as provided in Chapter 17.128

Mini, except as provided in Chapter 17.128

SECTION 46. Section 17.30.140 (R-80, High-Rise Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.30.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section

17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

A. Permitted Density. One regular dwelling unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. One efficiency dwelling unit is permitted for each two hundred (200) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred (200) square feet. One rooming unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent on any corner lot, and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. A One-Family Dwelling or a One-Family Dwelling with Secondary Unit is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by not to exceed fifty (50) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four stories containing living units, subject to the provisions of Section 17.106.040;
2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing.

SECTION 47. Section 17.32.020 (R-90, Downtown Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.32.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 48. Section 17.32.070 (R-90, Downtown Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.32.070 Permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.102.360
 - Two-Family Dwelling
 - Multifamily Dwelling
 - Rooming House
- B. Nonresidential Facilities:
 - Enclosed
 - Open
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
- D. Telecommunications Facilities:
 - Micro, except as provided in Chapter 17.128
 - Mini, except as provided in Chapter 17.128

SECTION 49. Section 17.32.140 (R-90, Downtown Apartment Residential Zone) of the Oakland Planning Code is amended to read as follows:

17.32.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270B and a Secondary Unit.

- A. Permitted Density. One regular dwelling unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet. One efficiency dwelling unit is permitted for each one hundred (100) square

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

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

SECTION 50. Section 17.34.020 (C-5, Neighborhood Commercial Zone) of the Oakland Planning Code is amended to read as follows:

17.34.020 Design review for construction or alteration.

No building, Sign, or other facility, other than a Secondary Unit, shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves frequent and periodic changes of copy.

SECTION 51. Section 17.34.025 (C-5, Neighborhood Commercial Zone) is added to the Oakland Planning Code to read as follows:

17.34.025 Special residential design review for Secondary Units.

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

SECTION 52. Section 17.34.060 (C-5, Neighborhood Commercial Zone) of the Oakland Planning Code is amended to read as follows:

17.34.060 Conditionally permitted facilities.

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

A. Residential Facilities:

One-Family Dwelling with Secondary Unit, subject to the provisions ~~standards, criteria and conditions~~ specified in Section 17.102.360.

- B. Nonresidential Facilities:
 - Open, limited to the following:
 - Off-street parking and loading facilities
 - Open-air dining facilities
 - Parks and plazas
- C. Telecommunications Facilities:
 - Mini
 - Macro
 - Monopole

SECTION 53. Section 17.36.020 (C-10, Local Retail Commercial Zone) of the Oakland Planning Code is amended to read as follows:

17.36.020 Special residential design review for projects with one or two units on a lot.

A. General. If a project involves or results in one or two dwelling units on a lot, no Residential Facility shall be constructed or established, or altered as set forth in subsection B of this section, unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. Except in the case of a Secondary Unit, ~~¶~~this requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to any facility in the S-18 mediated residential design review combining zone, except as set forth in the S-18 zone.

B. Criteria for Altered Residential Facilities. Proposals to alter Residential Facilities shall be subject to the requirements set forth in subsection A of this section, if such alterations result in a dwelling unit being added to an existing Residential Facility or if they involve changes that affect exterior appearance. A proposal will be exempt from this requirement if it does not involve the addition of a dwelling unit and if it:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent, (b) that all exterior treatment matches the existing building.

SECTION 54. Section 17.36.070 (C-10, Local Retail Commercial Zone) of the Oakland Planning Code is amended to read as follows:

17.36.070 Conditionally permitted facilities.

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

- A. Residential Facilities:

One-Family Dwelling with Secondary Unit, subject to the provisions ~~standards, criteria and conditions~~ specified in Section 17.102.360.

- B. Nonresidential Facilities:
 - Open
 - Drive-In
- C. Telecommunications Facilities:
 - Mini
 - Macro
 - Monopole

SECTION 55. Section 17.38.020 (C-20, Shopping Center Commercial Zone) of the Oakland Planning Code is amended to read as follows:

17.38.020 Design review for construction or alteration.

No building, Sign, or other facility, other than a Secondary Unit shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136.

SECTION 56. Section 17.38.025 (C-20, Shopping Center Commercial Zone) is added to the Oakland Planning Code to read as follows:

17.38.025 Special residential design review for Secondary Units.

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

SECTION 57. Section 17.38.060 (C-20, Shopping Center Commercial Zone) of the Oakland Planning Code is amended to read as follows:

17.38.060 Conditionally permitted facilities.

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

- A. Residential Facilities:
 - One-Family Dwelling
 - One-Family Dwelling with Secondary Unit, subject to the provisions ~~standards, criteria and conditions~~ specified in Section 17.102.360.
 - Two-Family Dwelling
 - Multi-Family Dwelling
- B. Nonresidential Facilities:
 - Open
 - Drive-In
 - Drive-Through
- C. Signs:
 - Residential
- D. Telecommunications Facilities:

Mini
Macro
Monopole

SECTION 58. Section 17.80.030 (S-4, Design Review Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.80.030 Design review for construction or alteration.

In the S-4 zone no building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136.

SECTION 59. Section 17.80.040 (S-4, Design Review Combining Zone) is added to the Oakland Planning Code to read as follows:

17.80.040 Special residential design review for Secondary Units.

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

SECTION 60. Section 17.84.030 (S-7, Preservation Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.84.030 Design review for construction, alteration, demolition, or removal.

In the S-7 zone no building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, and no structure or portion thereof shall be demolished or removed, unless such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the applicable provisions of Sections 17.84.040, 17.84.050, and 17.84.060. However, after notice to the Director of City Planning, demolition or removal of a structure or portion thereof shall be permitted without such approval upon a determination by the Inspectional Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in Section 17.84.060. Whenever it is proposed that demolition or removal be followed within a reasonable period of time by new construction, review of the new construction shall take place in conjunction with review of the demolition or removal.

SECTION 61. Section 17.84.035 (S-7, Preservation Combining Zone) is added to the Oakland Planning Code to read as follows:

17.84.035 Special residential design review for Secondary Units.

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

SECTION 62. Section 17.90.030 (S-10, Scenic Route Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.90.030 Design review for construction or alteration.

In the S-10 zone no building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the provisions of Section 17.90.050. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on Signs the customary use of which involves frequent and periodic changes of copy.

SECTION 63. Section 17.90.035 (S-10, Scenic Route Combining Zone) is added to the Oakland Planning Code to read as follows:

17.90.035 Special residential design review for Secondary Units.

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

SECTION 64. Section 17.92.030 (S-11, Site Development and Design Review Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.92.030 Site development and design review for construction or alteration.

In the S-11 zone no building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to the site development and design review procedure in Chapter 17.142 and the provisions of Section 17.92.050. However, site development and design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on Signs, the customary use of which involves frequent and periodic changes of copy.

SECTION 65. Section 17.92.035 (S-11, Site Development and Design Review Combining Zone) is added to the Oakland Planning Code to read as follows:

17.92.035 Special residential design review for Secondary Units.

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

SECTION 66. Section 17.94.030 (S-12, Residential Parking Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.94.030 Activities to which S-12 zone regulations apply.

The driveway regulations set forth in Section 17.94.080, the on-street parking regulations set forth in Section 17.94.100, and the related review and approval by the City Traffic Engineer set forth in Section 17.94.120, shall apply to all activities located in the S-12 zone. All other provisions of the S-12 zone shall apply only to Residential Activities located in the S-12 zone and occupying any One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-

Family Dwelling, or Multifamily Dwelling Residential Facility. The off-street parking requirements of all other activities located in the S-12 zone shall be as set forth in Chapter 17.116.

SECTION 67. Section 17.94.040 (S-12, Residential Parking Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.94.040 Off-street parking regulations-- Residential Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, 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 Activities located in the S-12 zone and occupying any One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, or Multifamily Dwelling Residential Facility. Such required parking shall be developed and maintained pursuant to the provisions of Section 17.94.050 through 17.94.090, unless an alternate parking layout is approved pursuant to Section 17.94.110. The special exceptions to parking requirements set forth in Section 17.116.110 shall not apply in the S-12 zone.

A. **Basic Requirement.** One off-street parking space shall be provided for each three habitable rooms in the facility, as determined in accordance with Section 17.102.280 and rounded to a whole number in accordance with the rules of Section 17.116.050, or the same number of spaces as required by the underlying base zone pursuant to Section 17.116.060 without regard to the provisions of the S-12 regulations, whichever is greater. Such parking shall be designated and permanently maintained for the use of residents of the facility.

B. **Visitor Parking.** Where the basic requirement of subsection A of this section is five spaces or more, an additional 0.2 spaces shall be provided for each dwelling unit in the facility, rounded to a whole number in accordance with the rules of Section 17.116.050. Such parking spaces shall be designated and permanently maintained for the use of visitors of the facility.

C. **Handicapped Parking.** Handicapped parking spaces shall be provided pursuant to the provisions of the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title 24 of the California Administrative Code. Such spaces shall count towards the requirements of subsections A and B of this section, and shall not be in addition to those requirements.

SECTION 68. Section 17.94.060 (S-12, Residential Parking Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.94.060 Parking spaces.

The requirements of this section shall apply only to Residential Activities located in the S-12 zone and occupying any One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, or Multifamily Dwelling Residential Facility, and supersede the parking space dimensions set forth in Section 17.116.200 and the tandem space requirements set forth in Section 17.116.240.

A. **Types of Parking Spaces and Dimensions.** Four types of parking spaces are defined for required parking in the S-12 zone: regular, intermediate, compact, and handicapped. Such spaces shall have the minimum dimensions set forth below, measured in feet.

| Type of Parking Space | All Parking Except Parallel | | Parallel Parking | |
|-----------------------|-----------------------------|-------|------------------|-------|
| | Length | Width | Length | Width |
| | | | | |

| | | | | |
|--------------|--|-------|--------|-------|
| Regular | 18 | 8 1/2 | 22 | 8 |
| Intermediate | 16 1/2 | 8 | 20 1/2 | 7 1/2 |
| Compact | 15 | 7 1/2 | 19 | 7 |
| Handicapped | As set forth in the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title 24 of the California Administrative Code. | | | |

B. Mixture of Parking Space Types. Up to fifty (50) percent of the required parking spaces may be compact spaces, provided that at least fifty (50) percent of the required spaces are regular and/or handicapped spaces. Alternatively, when five or more parking spaces are required, up to seventy-five (75) percent of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces. The requirements of this subsection shall apply separately to the parking spaces required by Section 17.94.040A and to the parking spaces required by Section 17.94.040B.

C. Location of Parking Spaces. On any lot located in the S-12 zone and containing a One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, or Multifamily Dwelling Residential Facility, no parking spaces shall be located between the front lot line and the front wall of the facility or its projection across the lot, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that:

1. The parking spaces are required by Section 17.94.040; and
2. There is no other feasible way to provide the required parking; and
3. The applicable requirements of the buffering regulations in Chapter 17.110 are met; and
4. If the facility contains three or more dwelling units, criteria 11 through 16 of the design review criteria for high density housing, pertaining to pedestrian entries, auto entries, landscaping, and accessories, are fully satisfied.

D. Tandem Spaces. Parking spaces required by Section 17.94.040A may be tandem spaces provided that:

1. At least one independent parking space shall be permanently assigned to each dwelling unit in the facility; and
2. For each pair of tandem spaces, both the independent space and the dependent space shall be permanently assigned to the same dwelling unit; and
3. At least one space in each pair shall be a regular parking space.

SECTION 69. Section 17.94.070 (S-12, Residential Parking Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.94.070 Maneuvering aisles.

The requirements of this section shall apply only to Residential Activities located in the S-12 zone and occupying any One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, or Multifamily Dwelling Residential Facility, and supersede the requirements for Maneuvering Aisles set forth in Section 17.116.210.

A. Maneuvering Aisle Width. The width of maneuvering aisles serving regular, intermediate, and compact parking spaces shall be as set forth in subsections (A)(1) through (A)(5) of this section. The width of maneuvering aisles serving handicapped parking spaces shall be as set forth in the California State Accessibility Standards contained in Parts 2, 3, and 5 of Title 24 of the California Administrative Code.

1. Where parking is parallel: eleven (11) feet;
 2. Where parking is at an angle of forty-five (45) degrees or less: twelve (12) feet;
 3. Where parking is at an angle of sixty (60) degrees or less but more than forty-five (45) degrees: fifteen (15) feet;
 4. Where parking is at an angle of seventy-five (75) degrees or less but more than sixty (60) degrees: eighteen (18) feet;
 5. Where parking is at an angle of ninety (90) degrees or less but more than seventy-five (75) degrees: twenty-one (21) feet.
- B. Alternate Maneuvering Aisle and Parking Space Widths. Except for parallel parking, the maneuvering aisle width required by subsection A of this section may be reduced by one foot, provided that all parking spaces served by the maneuvering aisle, other than handicapped spaces, are increased in width by one-half foot.
- C. Additional Maneuvering Aisle Length. An additional five feet of maneuvering aisle length beyond the end stall farthest from the street shall be provided whenever the maneuvering aisle width required by subsection A of this section is reduced in accordance with subsection B of this section, if both of the following conditions are present:
1. Backing up to the street is prohibited by Section 17.116.250; and
 2. A vehicle parked in the end stall farthest from the street would not otherwise be able to maneuver into a forward facing position in four movements or less. A movement, for purposes of this section, shall be defined as the continuous travel of a vehicle in a single direction from starting point to stopping point.

SECTION 70. Section 17.101B.030 (S-18, Mediated Residential Design Review Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.101B.030 Mediated residential design review for new construction, additions of five hundred (500) square feet or more of floor area, or upper story or attic addition projects with one or two units on a lot and less than three thousand five hundred (3,500) square feet of floor area and for certain balcony or deck additions.

If either a new construction project, a project involving an addition of five hundred (500) square feet or more of floor area, or an upper story or attic addition project involves or results in one or two dwelling units on a lot and the cumulative floor area of all principal Residential Facilities on the lot is less than three thousand five hundred (3,500) square feet, or if the project involves construction of an upper story or attic balcony or deck regardless of the floor area of the facility, no such project shall be constructed or established, unless plans for the proposal have been approved pursuant to the mediated residential design review procedure in Chapter 17.147. Addition of floor area within an existing building envelope shall not be considered floor area for purposes of this requirement. This requirement shall not apply to:

- A. Any project limited to construction of a balcony or deck that is either less than ten feet in depth or is not on a side or rear elevation that faces a one or two unit Residential Facility on an adjacent lot;
- B. Any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, the site development and design review procedure in Chapter 17.142, or the variance procedure in Chapter 17.148; or
- C. Any facility containing both residential and nonresidential activities.
- D. The construction of a new Secondary Unit.

SECTION 71. Section 17.101B.040 (S-18, Mediated Residential Design Review Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.101B.040 Design Review for Residential Facilities requiring a conditional use permit or variances or with floor area of three thousand five hundred (3,500) square feet or more.

Projects creating or adding floor area and either requiring a conditional use permit or variance or resulting in a Residential Facility with a floor area of three thousand five hundred (3,500) square feet or more shall require design review pursuant to the design review procedure in Chapter 17.136. Addition of floor area within an existing building envelope shall not be considered floor area for purposes of this requirement. This requirement shall not apply to the construction of a new Secondary Unit.

SECTION 72. Section 17.101B.050 (S-18, Mediated Residential Design Review Combining Zone) of the Oakland Planning Code is amended to read as follows:

17.101B.050 Special residential design review for projects with one or two units on a lot and involving only additions or alterations, other than additions of five hundred (500) square feet or more of floor area, or upper story or attic additions, to an existing facility and involving less than three thousand five hundred (3,500) square feet of floor area, and for new Secondary Units.

A. ~~General.~~ If a project is limited to additions or alterations that:

1. affect exterior appearance, other than the additions of five hundred (500) square feet or more of floor area or the upper story or attic additions described in Section 17.101B.030 which require mediated residential design review; and
2. involve or result in one or two dwelling units on a lot; and
3. create or result in a principal Residential Facility with less than three thousand five hundred (3,500) square feet of floor area,

no Residential Facility shall be so constructed or altered unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146. This requirement shall not apply to any Residential Facility whose proposed plans must be approved pursuant to the conditional use permit procedure in Chapter 17.134, the design review procedure in Chapter 17.136, the planned unit development procedure in Chapter 17.140, or the site development and design review procedure in Chapter 17.142. This requirement also shall not apply to any facility containing both residential and nonresidential activities or to the construction of a new Secondary Unit.

B. No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

~~B.C.~~ A project will be exempt from the requirements set forth in subsection A of this section if it does not involve the addition of a dwelling unit and if it meets one or more of the following criteria:

1. Does not require a building permit;
2. Involves only the repair or replacement-in-kind of a roof;
3. Is certified by the City Planning Department to involve only replacement-in-kind of existing building components; or
4. Is certified by the City Planning Department: (a) to involve an increase or decrease in wall area, floor area, or footprint of no more than ten percent; and (b) that all exterior treatment matches the existing building.

SECTION 73. Section 17.102.360 (General Regulations Applicable to All or Several Zones) of the Oakland Planning Code is amended to read as follows:

~~17.102.360 Use permits standards, criteria and conditions of approval~~ Special regulations applying to sSecondary uUnits.

~~A. Conditional Use Permit Requirement. In the R-10, R-20 and R-30 zones, and on substandard lots in the R-35, R-36, R-40 R-50, C-5, C-10, and C-20 zones, secondary units are permitted only on the granting of a conditional use permit pursuant to the standards, criteria, and conditions in subsections B, C and D of this section respectively, and the conditional use permit procedure in Chapter 17.134.~~

~~B. Use Permit Standards for Secondary Units:~~

~~1. That the lot qualifies under Section 17.106.010 as an existing buildable parcel and has two thousand five hundred (2,500) square feet or more of lot area, and its lot width is twenty five (25) feet or more.~~

~~2. That the unit will coexist on the lot with only one existing or proposed primary dwelling structure that is a detached building, and that the secondary unit may be within, attached to or detached from the living area of said building;~~

~~3. That the floor area of the secondary unit will total no less than two hundred twenty (220) square feet and no more than one thousand two hundred (1,200) square feet and that the secondary unit will have less living area than the primary dwelling (living areas shall not include a garage or accessory structures);~~

~~4. That the secondary unit will not be sold separately from the primary dwelling unit, and the legal owner of the property will occupy one of the units;~~

~~5. That a total of three nontandem, on-site, parking spaces will be provided. Should the lot already contain two on-site parking spaces in tandem for the primary dwelling, a third nontandem space shall be provided for the secondary unit. The driveway width should not exceed fifty (50) percent of the lot width or twenty five (25) feet whichever is less. The Planning Commission shall have the discretion to allow a lesser number of parking spaces or tandem spaces if warranted by particular circumstances in conformance with guidelines adopted pursuant to subsection (C)(5) of this section.~~

~~6. That the fire flow and water pressure in the adjoining street meets the minimum requirements as determined by the Fire Marshal.~~

~~C. Use Permit Criteria for Secondary Units. A conditional use permit for a secondary unit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following use permit criteria:~~

~~1. That the secondary unit will be clearly subordinate to the primary one-family dwelling unit in size, location, and appearance. The secondary unit should not exceed fifty (50) percent of the floor area of the primary unit, however the Planning Commission shall have the discretion to allow this limit to be exceeded if warranted by particular circumstances in conformance with the guidelines adopted pursuant to subsection (C)(5) of this section, provided the secondary unit does not equal or exceed the size of the primary unit;~~

~~2. That the location, design, and site planning of the building, open areas, and parking will provide a convenient, attractive and functional living environment, and will be compatible with the neighborhood and with public safety;~~

~~3. That the shape and siting of the facility, and especially of any portions thereof which exceed one story in height, will be such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood.~~

~~4. — That there is adequate emergency access to the lot as determined by the Fire Marshal. Streets leading to an arterial street should have a minimum of twenty (20) feet of pavement width at all locations between the lot and the arterial street and the lot should be located on a street having more than one outlet for vehicular traffic. The Planning Commission shall have the discretion to waive these requirements if warranted by particular circumstances provided it can be found that there is adequate emergency access and that the project is in conformance with guidelines adopted pursuant to subsection (C)(5) of this section.~~

~~5. — That each secondary unit complies with the City Planning Commission guidelines for development and evaluation of secondary units. The Planning Commission shall have the discretion to make exceptions to any guideline if warranted by particular circumstances if all other criteria in this subsection and in Section 17.134.050 are met.~~

~~D. — Conditions of Approval for Secondary Units. The following conditions will be applied to all use permits for secondary units.~~

~~1. — Certification of Owner Occupancy. That prior to issuance of a building permit the applicant shall record as a deed restriction in the Alameda County Recorder's Office a certification by the owner(s) in a form prescribed by the Director of City Planning that one of the dwelling units is occupied by the owner(s) of the property as the owner's(s') principal and permanent residence. When ownership of the property changes, the new owner(s) shall either submit a new owner occupancy certification, or remove the secondary unit. Failure to submit a new certificate or remove the secondary unit within one year of transfer of ownership shall be a violation subject to civil penalties provided in Title 1 of the Oakland Municipal Code.~~

~~2. — That all required on site parking spaces will be accessible and maintained free and clear for vehicular parking.~~

~~3. — That the applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the city, its agents, officers or employees to attack, set aside, void or annul, an approval by the city, the City Planning Department, Planning Commission, or City Council. The city shall promptly notify the applicant of any claim, action or proceeding and the city shall cooperate fully in such defense. The city may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.~~

~~4. — That the project shall be constructed according to the approved plans, except that minor changes may be approved administratively by the Director of City Planning.~~

~~5. — That prior to issuance of a building permit the applicant shall execute and record with Alameda County Recorder's Office a copy of these conditions on a form approved by the Director of City Planning.~~

~~6. — That this permit shall become effective upon satisfactory compliance with all the above conditions. Failure to obtain required building permits within one year from the effective date of the conditional use permit shall invalidate the approval, provided that upon written request the Director of City Planning may grant one one-year extension, with additional extensions subject to the approval of the City Planning Commission.~~

The following regulations shall apply to the construction, establishment, or alteration of Secondary Units wherever permitted or conditionally permitted, as specified in each individual zone:

A. Other uses on property. A Secondary Unit shall only be permitted on a lot that contains only one other primary dwelling unit. A Secondary Unit may be approved and constructed at the same time or after the approval and construction of the primary dwelling unit.

B. Sale of unit. A Secondary Unit shall not be sold separately from the primary dwelling on the same lot.

C. Owner occupancy. The legal owner shall occupy either the primary dwelling or the Secondary Unit. Prior to issuance of a building permit for a Secondary Unit, the applicant shall record as a deed restriction in the Alameda County Recorder's Office, notice of this requirement, in a form prescribed by the Director of City Planning.

D. Maximum permitted floor area. The floor area of a Secondary Unit shall not exceed six hundred fifty (650) square feet or fifty (50) percent of the floor area of the primary dwelling, whichever is less, except that Secondary Units of up to five hundred (500) square feet in floor area are permitted regardless of the size of the primary dwelling. This floor area limitation may be exceeded, up to a maximum of one thousand two hundred (1,200) square feet, upon the granting of a conditional use permit.

E. Fire flow and water pressure. A Secondary Unit may be permitted only if the fire flow and water pressure in the adjoining street meets the minimum requirements as determined by the Fire Marshal.

F. Emergency access – multiple vehicular outlets. A Secondary Unit may be permitted only on a lot which has frontage on a through street, or a dead-end street that has a total length of less than three hundred (300) feet. For the purposes of this subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the private access easement is connected to said dead-end street.

G. Emergency access – minimum pavement width. A Secondary Unit may be permitted only if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum pavement width of at least twenty (20) feet.

H. Public sanitary sewer. A Secondary Unit may be permitted only if it is served by a public sanitary sewer.

I. Architectural compatibility. The architectural design and materials of a Secondary Unit shall match or be visually compatible with that of the primary dwelling, including the architectural style, siding material, roof shape, roofing material, trim material and design, window types, window trim, and window sill detail.

J. Compliance with Building and Fire Codes. All Secondary Units shall comply with all other code and permit requirements imposed by all other affected departments, including but not limited to fire separation, sound separation, egress, utility access, and the requirement for a building permit.

K. Upon receipt of an application for a secondary unit made pursuant to this section seeking ministerial approval of said application, notice of the application shall be sent 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 property involved. All such notices shall be given not less than ten days prior to the date that the Director of City Planning acts on the application. Failure of any person to receive such notice shall not affect the validity of action taken on the application by City staff.

SECTION 74. Section 17.107.020 (Density Bonus and Incentive Procedure) of the Oakland Planning Code is amended to read as follows:

17.107.020 Definitions.

A. **Affordable Housing.** "Affordable housing" shall mean that the relevant housing is available on terms such that the housing costs are less than a specified percentage of the gross

income of households within a particular income category (adjusted for household size, depending on the number of bedrooms in the dwelling unit) as determined for the Oakland Primary Metropolitan Statistical Area (PMSA). For a rental unit, housing costs include rent and a reasonable allowance for utilities. For a for-sale unit, housing costs include loan principal, loan interest, property and mortgage insurance, property taxes, home owners' association dues and a reasonable allowance for utilities.

1. Where units are targeted as being affordable to low income households, housing costs for rental units must be equal to or less than thirty (30) percent of the gross monthly income, adjusted for household size, of sixty (60) percent of the median income for the Oakland PMSA. Housing costs for for-sale units must be equal to or less than thirty (30) percent of the gross monthly income, adjusted for household size, of seventy (70) percent of the median income.

2. Where units are targeted as being affordable to very low income households, housing costs for rental units and for for-sale units must be equal to or less than thirty (30) percent of the gross monthly income, adjusted for household size, of fifty (50) percent of the median income for the Oakland PMSA.

3. Where units are targeted as being affordable to moderate income households, housing costs for rental units must be equal to or less than thirty (30) percent of the gross monthly income, adjusted for household size, of one hundred twenty (120) percent of the median income for the Oakland PMSA. Housing costs for for-sale units must be equal to or less than thirty-five (35) percent of the gross monthly income, adjusted for household size, of one hundred twenty (120) percent of the median income.

B. Density Bonus. A "density bonus" is a density increase over the otherwise maximum ~~allowable~~permitted residential density. For purposes of this chapter, the density bonus shall not be included when determining the number of target units that must be affordable to the relevant income group. When awarding multiple density bonuses, such as for senior citizens housing, the amount of each density bonus shall be determined based on the allowable base density, exclusive of any bonuses. In no event may the city grant a density bonus which would result in the project exceeding the general plan density maximum unless the project proposes to provide at least (1) twenty (20) percent of the total units of a housing development for lower income households, or (2) ten percent of the total units of a housing development for very low income households, or (3) fifty (50) percent of the total dwelling units of a housing development for qualifying residents (seniors), or (4) at least twenty (20) percent of the total units of a residential condominium housing development for moderate income households. When calculating the final unit count allowed with the density bonus, any fractional remainders shall be rounded up to the nearest whole number.

C. Density Incentive. A "density incentive" is a benefit offered by the city to facilitate construction of eligible projects as defined by the provisions of this chapter ~~and is limited to the. Benefits may include priority processing and~~ relaxation of one of the following standards in order to allow utilization of a density bonus:

1. Required off-street parking;
2. Required setbacks;
3. Maximum building height;
4. Required open space;
5. Maximum floor-area ratio;
6. *Minimum lot area.*

D. "Economically feasible" means that a housing development can be built with a reasonable rate of return. The housing developer's financial ability to build the project shall not be a factor.

E. Moderate, Low and Very Low Income Households. "Moderate, low and very low income households" means those households whose income matches levels determined periodically by the U.S. Department of Housing and Urban Development, based on the Oakland Primary Metropolitan Statistical Area (PMSA) median income levels by family size, under which:

1. "Moderate income" is defined as greater than eighty (80) percent to one hundred twenty (120) percent of median income.
2. "Low income" is defined as greater than fifty (50) percent to eighty (80) percent of median income.
3. "Very low income" is defined as less than fifty (50) percent of median income.

F. Target Dwelling Unit. A "target dwelling unit" is a dwelling unit that will be offered for rent or sale exclusively to and which shall be affordable to the designated income group or senior citizens.

G. Housing Development. A "housing development" is as defined in California Government Code Section 65915(g).

SECTION 75. Section 17.107.040 (Density Bonus and Incentive Procedure) of the Oakland Planning Code is amended to read as follows:

17.107.040 Findings required.

A. Density Bonus.

Whenever action is taken on an application for design review of a housing development of at least five units which also seeks approval of a density bonus, the city shall grant the applicant a density bonus and, unless findings justifying the denial of an incentive are adopted, at least one additional density incentive, as set forth in Section 17.107.020(C), if the applicant proposes to build one of the following. Nothing in this section shall preclude the requirement for design review as provided for in the individual zone regulations; if the findings set forth in this section can be made in addition to any other findings required by any other provision of this code for the application.

~~A. Density Bonus.~~

~~1. The reviewing body shall find that appropriate conditions shall be incorporated into the permit to ensure the continued affordability of the specified units for a period of not less than thirty (30) years, and to restrict occupancy only to residents who satisfy the affordability requirement for the specified unit.~~

~~2.1. Where the request is for a density bonus of twenty-five (25) percent, or less if requested by the applicant, and the applicant proposes that: the reviewing body shall find that the application is and will continue to be in compliance with at least one of the following:~~

- ~~a. Twenty (20) percent of the total housing units shall be affordable to low income households; or~~
- ~~b. Ten (10) percent of the total housing units shall be affordable to very low income households; or~~
- ~~c. Fifty (50) percent of the total housing units shall be affordable to qualifying residents as defined in Section 51.3 of the Civil Code (senior citizens); or~~

~~d. Fifty (50) percent of the total housing units are affordable to moderate income households and an additional ten percent of the total housing units are affordable to low income households and the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 except that the density bonus cannot exceed the maximum density in the General Plan.~~

2. Where the request is for a density bonus of ten (10) percent, or less if requested by the applicant, and the project is a residential condominium development, and twenty (20) percent of the total housing units are and will continue to be affordable to moderate income households.

3. Where the request is for a density bonus of greater than twenty-five (25) percent, but not more than one hundred (100) percent, the reviewing body shall find that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and that the proposal provides additional housing units that are affordable to very low income, low income or moderate income households, beyond the minimum requirements described above, proportional to the additional density bonus. Proposals for senior citizen housing projects that conform to the requirements of Section 17.106.060 may request a total density bonus, over the allowable base density, of up to one hundred (100) percent.

B. Density Incentive. Housing developments with affordable units which meet at least one of the requirements set forth in Section 17.107.040A(12)(a), (b), or (c), or Section 17.107.040A(2), are entitled to at least one density incentive of the applicant's choosing, unless a written finding, based on substantial evidence is made pursuant to Government Code section 65915(b) that an incentive is not required in order to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in this Section. Where the applicant has requested a meeting to discuss the requested incentive, the City shall deny that incentive only if it finds, in writing, that the incentive would have a specific adverse impact as defined in paragraph (2) of subdivision (d) of Government Code section 65589.5, upon public health, safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and or which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households or that the applicant has received financial assistance from the city or other entity that would offset the need for an incentive.

~~Although the developer may request a specific incentive, the decision-making body shall make the final determination of the incentive to be granted pursuant to the provisions of this chapter and only upon making the findings set forth below.~~

~~In determining which type of incentive to grant a specific housing development, a finding shall be made that the project is consistent with design review criteria that are applied to other comparable projects and:~~

- ~~1. That strict compliance with the specified zoning standard or regulation would directly affect the economic feasibility of including the affordable units in the project; or~~
- ~~2. That strict compliance would result in practical difficulty in providing the amount of affordable housing necessary to qualify for the density bonus and that alternative design solutions are not practical.~~

SECTION 76. Section 17.107.045 (Density Bonus and Incentive Procedure) is added to the Oakland Planning Code to read as follows:

17.107.045 Condition required for continued affordability.

All approvals for any affordable housing applications that include a density bonus and/or density incentive shall be conditioned to ensure the continued affordability of the specified units for a period of not less than thirty (30) years, and to restrict occupancy only to residents who satisfy the affordability requirement for the specified unit(s). Prior to issuance of a building permit for the affordable housing project, the applicant shall record as a deed restriction in the Alameda

County Recorder's Office, notice of this requirement, in a form prescribed by the Director of City Planning.

SECTION 77. Section 17.110.020 (Buffering Regulations) of the Oakland Planning Code is amended to read as follows:

17.110.020 General buffering requirements--Residential and S-1, S-2, S-3, S-13, S-15 and OS zones.

(See illustration I-16.) The following regulations shall apply in all residential zones and in the S-1, S-2, S-3, S-13, S-15 and OS zones, and are in addition to the provisions set forth in Section 17.110.040:

A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three or more parking spaces, except in the case of a One-Family Dwelling with Secondary Unit, and to all open off-street loading areas on any lot:

1. Such parking and loading areas shall be screened from all abutting lots, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half feet high and not less than three feet wide or by a solid lumber or masonry fence or wall not less than five and one-half feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.

2. Such parking and loading areas shall be screened from all abutting streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than three and one-half feet high and not less than three feet wide by a solid or grille, lumber or masonry fence or wall not less than three and one-half feet high, subject to the standards for required landscaping and screening and the exceptions stated in said chapter.

3. No unroofed parking space or loading berth on such lots shall be located within five feet from any street line or alley.

B. Screening of Open Storage Areas. All open storage of boats, trailers, building materials, appliances, and similar materials shall be screened from all abutting lots, and streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half feet high and not less than three feet high, or by a solid lumber or masonry fence or wall not less than five and one-half feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with Secondary Unit, shall be nonflashing and shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

SECTION 78. Section 17.116.060 (Off-Street Parking and Loading Requirements) of the Oakland Planning Code is amended to read as follows:

17.116.060 Off-street parking--Residential Activities.

A. Permanent and Semi-Transient Residential Activities. Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when

located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this chapter:

| Residential Facility Type | Zone | Requirement |
|--|---|---|
| One-Family Dwelling. | R-1, R-10, R-20, R-30, except when combined with the S-12 zone. | Two spaces for each dwelling unit occupying a lot fronting on a street with parking allowed on one or both sides of the street; three spaces for each dwelling unit occupying a lot fronting on a street with parking prohibited on both sides of the street except that two spaces shall be required on such lots with an average lot width of fifty-five (55) feet or less, and two spaces shall be required on such lots where the site area to be covered by the structure has a gradient greater than twenty (20) percent or the street-to-setback gradient as measured from the edge of pavement to the front setback line is greater than twenty (20) percent; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two spaces per dwelling unit. |
| | R-35, R-36, R-40, except when combined with the S-12 zone. | One and one-half spaces for each dwelling unit. |
| | R-36, when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone. | One space for each dwelling unit. |
| | C-28, except as provided by Section 17.44.200. | One space for each dwelling unit. |
| | C-52, except when combined with the S-12 zone. | No spaces required. |
| | S-15 zone, except when combined with the S-12 zone. | One half-space for dwelling unit. |
| | Any other zone, except when combined with the S-12 zone. | One space for each dwelling unit. |
| | Any zone combined with the S-12 zone. | See Section 17.94.040. |
| One-Family Dwelling with Secondary Unit. | R-1, R-10, R-20, R-30, R-35, R-36, R-40, R-50, C-5, C-10, C-20 except when combined with the S- | One space for the secondary unit unless the lot already contains a total of at least three spaces; |

| | | |
|--|--|--|
| | <u>12 zone.</u> | however, in the S-11 zone the requirement shall be one space for each bedroom in any secondary unit. See Section 17.102.360. |
| | <u>R-50, R-60, R-70, R-80, R-90, C-5, C-10, C-20, except when combined with the S-12 zone.</u> | <u>One space for the secondary unit unless the lot already contains a total of at least two spaces; however, in the S-11 zone the requirement shall be one space for each bedroom in any secondary unit. See Section 17.102.360.</u> |
| | <u>Any zone combined with the S-12 zone.</u> | <u>See Section 17.94.040.</u> |
| Two-Family Dwelling. Multifamily Dwelling. | R-30, R-35, R-36, R-40, except when combined with the S-12 zone. | One and one-half spaces for each dwelling unit. |
| | C-28, except as provided by Section 17.44.200 | One space per dwelling unit. |
| | C-52, except when combined with the S-12 zone. | No spaces required. |
| | S-15 zone, except when combined with the S-12 zone. | One-half space for each dwelling unit. |
| | Any other zone, except when combined with the S-12 zone. | One space for each dwelling unit. |
| | Any zone combined with the S-12 zone. | See Section 17.94.040. |
| Rooming House. | C-52. | No spaces required. |
| | Any other zone. | One space for each two rooming units. |
| Mobile Home. | C-52. | No spaces required. |
| | Any other zone. | One space for each living unit plus one additional space for each four living units. |

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. |

SECTION 79. Section 17.116.240 (Off-Street Parking and Loading Requirements) of the Oakland Planning Code is amended to read as follows:

17.116.240 Tandem spaces and berths.

(See illustration I-21.) A vehicle shall not have to cross another loading berth, or a parking space, in order to gain access to any required loading berth. On any lot containing three or more required off-street parking spaces, or containing required spaces for two or more residential living units, a vehicle shall not have to cross another parking space, or a loading berth, in order to gain access to a required parking space, except that:

A. In the S-11 zone, with the provision of three or more required parking spaces for a given dwelling unit, at least fifty (50) percent of the vehicles shall not have to cross another parking space in order to gain access to a required parking space.

B. In the S-12 zone, tandem parking may be permitted for One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, and Multifamily Dwelling Residential Activities occupying Residential Facilities under the provisions of Section 17.94.060.

C. In the R-1, R-10, R-20, R-30, R-35, R-36, and R-40 zones, except when combined with the S-11 or S-12 zones, Tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility pursuant to the standards in Section 17.102.360 if the floor area of the Secondary Unit does not exceed five hundred (500) square feet.

D. In any zone, tandem parking may be permitted for nonresidential activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;

2. That there are a total of ten or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

E. Tandem parking spaces may be provided for Residential Care Residential Activities pursuant to the provisions of Section 17.116.060B.

SECTION 80. Section 17.134.020 (Conditional Use Permit Procedure) of the Oakland Planning Code is amended to read as follows:

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A major conditional use permit is one that involves any of the following:

1. Thresholds. Any project that meets any of the following size thresholds:

a. The actual project site (including only portions of the lot actually affected by the project) exceeds one acre;

b. Nonresidential except in the R-80, R-90, C-51, C-55, S-2, or S-15 zones: projects involving twenty-five thousand (25,000) square feet or more of floor area;

c. Residential, except in the S-11 zone: projects requiring a conditional use permit resulting in a total number of dwelling units as follows:

i. Two or more in the R-10, R-20, R-30, or R-35 zone, except in the case of a Secondary Unit,

ii. Three or more in the R-36 or R-40 zone,

iii. Seven or more in the R-50, R-60, R-70, R-80, or R-90 zone.

(In the S-11 zone, see Section 17.142.030);

d. Large Scale Developments. Any development which is located in the R-80, R-90, C-51, C-55, S-2, or S-15 zone and involves more than one hundred thousand (100,000) square feet of new floor area, or a new building, or portion thereof, of more than one hundred twenty (120) feet in height.

2. Uses. Any project that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty (20) percent:

a. Activities:

i. Residential Care Residential,

ii. Service Enriched Housing Residential,

iii. Transitional Housing Residential,

iv. Emergency Shelter Residential,

v. Extensive Impact Civic,

vi. Convenience Market Commercial,

vii. Fast-food Restaurant Commercial,

viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Section 17.102.210(B),

ix. Heavy Manufacturing,

x. Small Scale Transfer and Storage Hazardous Waste Management,

xi. Industrial Transfer/Storage Hazardous Waste Management,

xii. Mining and Quarrying Extractive;

b. Facilities:

~~i. One Family Dwelling with Secondary Unit,~~

~~ii.i. Drive-Through,~~

~~iii.ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.~~

~~xiii.iii. Special Health Care Civic Activities.~~

3. Special Situations. Any project that involves any of the following situations:

a. Any project that requires development of an Environmental Impact Report;

b. Any Commercial or Manufacturing Activity, or portion thereof, which is located in any residential zone and occupies more than one thousand five hundred (1,500) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;

c. Off-Street Parking Facilities in the C-40, C-51, C-52 and S-2 zones serving fifty (50) or more vehicles;

- d. Transient Habitation Commercial Activities in the C-40 and C-45 zones;
 - e. Monopole Telecommunication Facilities in, or within three hundred (300) feet of the boundary of, any residential zone;
 - f. Any project in the OS zone listed as requiring a major conditional use permit in Chapter 17.11;
 - g. Continuation of an illegal use that existed in a facility in the S-14 zone prior to the Oakland Hills fire;
 - h. Any electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
 - i. Any application referred by the Director of City Planning to the City Planning Commission for decision pursuant to Section 17.134.040(B)(1).
- 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.

SECTION 81. Section 17.146.020 (Special Residential Design Review Procedure) of the Oakland Planning Code is amended to read as follows:

17.146.020 Application.

A. Two-Track Optional Process for New Construction Projects. Except as indicated below, applicants may choose to have their applications for the construction or establishment of Residential Facilities with one or two dwelling units processed pursuant to the new construction checklist procedure or to the new construction discretionary procedure. Applications for the construction of a new Secondary Unit must be processed pursuant to the new construction checklist procedure. Applications for the following types of projects, however, must be processed pursuant to the new construction discretionary procedure:

1. The construction or establishment of more than one One-Family Dwelling Residential Facility in separate structures on a single lot;
2. The construction or establishment of a One-Family Dwelling Residential Facility on a lot with an existing One-Family Dwelling Residential Facility;
3. The establishment of one or two One-Family Dwelling Residential Facilities, or one Two-Family Dwelling Residential Facilities, moved onto a lot; or
4. Development, within any one-year period, of facilities which are of significantly the same design by the same owner or with the same designer on each of five or more lots that are contiguous or across the street from each other.

B. Two-track Process for Addition and Alteration Projects. Except as indicated below, all applications involving additions, alterations, or other improvements to an existing One-Family Dwelling, One-Family Dwelling with Secondary Unit, or Two-Family Dwelling Residential Facility, including those that would create an additional dwelling unit other than a new Secondary Unit, shall be processed pursuant to the additions and alterations discretionary procedure.

Applicants with proposals that meet the following criteria may, however, choose to have their applications processed under either the additions and alterations discretionary procedure or the additions and alterations checklist procedure:

1. The proposal involves an increase or decrease in wall area, floor area, or footprint of no more than twenty (20) percent; and
2. The proposed exterior treatment matches the existing building.

~~Finally, a~~ Applicants with proposals that involve the extensive reconstruction of existing Residential Facilities may, with the permission of the City Planning Department, have their

applications processed pursuant to the new construction checklist procedure. Applicants with proposals that involve the construction of a new Secondary Unit shall have their applications processed pursuant to the new construction checklist procedure.

C. Pre-Application Conference. Prior to application for special residential design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department. The conference shall take place before the design process has begun. At the conference, the city representative shall provide information about the various special residential design review procedures and the criteria and standards associated with them. Also at the conference, if the proposal so warrants, the applicant and the City Planning Department representative shall -- based on project site slope information and photographs, as required, of surrounding structures that shall be submitted by the applicant -- attempt to jointly make determinations related to neighborhood context. In cases of disagreement, however, the decision of the Director of City Planning shall govern. Applications shall not be deemed filed until after the pre-application conference is held.

D. Application for Special Residential Design Review. Application for special residential design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall set forth under which procedure (new construction, or additions and alterations; checklist, or discretionary) the application is to be processed. The application shall be accompanied by such information as may be required to allow applicable standards or criteria to be applied to the proposal, and by the fee prescribed in the fee schedule in Chapter 17.150. Such information may include, but is not limited to, site and building plans, elevations, and all information submitted at the pre-application conference. Subject to the provisions of Section subsection C of this section, an application shall be deemed complete for purposes of review, unless the applicant is notified otherwise by mail within five working days of the application's submission to the City Planning Department.

Introduction Date: JUN 03 2003

JUN 17 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES-

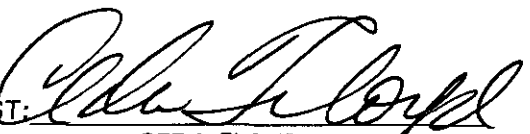
NOES-

ABSENT-

ABSTENTION-

**BROOKS, BRUNNER, CHANG,
NADEL, REID, QUAN, WAN
AND PRESIDENT DE LA FUENTE - 8**

ATTEST:



CEDA FLOYD

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