

**Title 17 PLANNING**

**Chapters:**

Chapter 17.97 - S-15 TRANSIT-ORIENTED DEVELOPMENT ZONES REGULATIONS

**Chapter 17.01 GENERAL PROVISIONS OF PLANNING CODE AND GENERAL PLAN CONFORMITY**

**Sections:**

17.01.040 Exceptions to requirement for General Plan conformity.

~~17.01.050 General Plan prevails over Planning Code and Subdivision Regulations.~~

~~17.01.060 Guidelines for determining General Plan conformity.~~

17.01.080 Appeal of Director's determination.

17.01.100 Proposals clearly in conformance with General Plan.

17.01.110 Proposals for which General Plan is silent or not clear on conformance.

17.01.120 Proposals clearly not in conformance with the General Plan or the Land Use Diagram.

**17.01.040 Exceptions to requirement for General Plan conformity.**

The provisions of this Chapter shall not be construed to preclude the operation, maintenance, and occupancy of any activity or facility that existed lawfully prior to the effective date of this Chapter. Such activities and facilities shall be subject to the Nonconforming Use Regulations in Chapter 17.114.

(Ord. 12054 § 2 (part), 1998)

**17.01.050 General Plan prevails over Planning Code and Subdivision Regulations.**

Until the Planning Code is fully updated, land use designations, zoning controls, and subdivision controls specified by the Planning Code and Subdivision Regulations shall apply, except where such action would expressly conflict with the Oakland General Plan. Where an express conflict does arise, the General Plan policies and land use designations shall apply. An "express conflict" shall be deemed to be any situation where a proposal clearly conforms with the General Plan but is not permitted by the portion of Zoning and/or Subdivision Regulations that have not been fully updated, or where a proposal clearly does not conform with the General Plan, but is permitted or conditionally permitted by the portion of Zoning and/or Subdivision Regulations that have not been fully updated. The provisions of Sections 17.01.070 17.01.060 through 17.01.080 shall be used to determine whether an express conflict exists and the provisions of Sections 17.01.100 through 17.01.120, as applicable, shall then be followed.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12054 § 2 (part), 1998)

**~~17.01.060 Guidelines for determining General Plan conformity.~~**

~~The City Planning Commission shall adopt guidelines for determining the General Plan conformity of any specific proposal. Such guidelines shall address activity and facility types, density and intensity of development, and relevant General Plan policies. They shall also identify the "best fit" zones of the Zoning Regulations, and other possible zones, corresponding to the land use classifications of the General Plan.~~

(Ord. 12054 § 2 (part), 1998)

#### 17.01.070 Determination of General Plan conformity by Director of City Planning.

The Director of City Planning shall determine whether any specific proposal conforms to the General Plan. ~~The Director shall use the guidelines adopted pursuant to Section 17.01.060 in making this determination.~~ Any interested party may apply for a written General Plan conformity determination upon payment of a fee as prescribed in the city master fee schedule. Prior to making a decision, there shall be notice given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved pursuant to Section 17.134.040.

(Ord. 12514 § 2 (part), 2003; Ord. 12054 § 2 (part), 1998)

#### 17.01.080 Appeal of Director's determination.

- A. Within ten (10) calendar days of a written determination by the Director of City Planning pursuant to Section 17.01.070, an appeal of such determination may be taken to the City Planning Commission by the applicant or any other interested party. Such appeal shall be accompanied by a fee as prescribed in the Ccity master fee schedule, and shall be processed in accordance with the administrative appeal procedure in Chapter 17.132.

#### 17.01.100 Proposals clearly in conformance with General Plan.

- A. If Permitted or Conditionally Permitted by Zoning ~~and/or Subdivision~~ Regulations (No "Express Conflict"). Any proposal determined to clearly conform with the General Plan and which is permitted or conditionally permitted by the Zoning ~~and/or Subdivision~~ Regulations shall be processed in accordance with such code and/or regulations.
- B. If Not Permitted by the portion of Zoning ~~and/or Subdivision~~ Regulations not fully updated ("Express Conflict"). Any proposal determined to clearly conform with the General Plan and which is not permitted by the portion of Zoning ~~and/or Subdivision~~ Regulations not fully updated may be approved upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Such use permit shall be processed as a minor conditional use permit or a major conditional use permit in conformance with the provisions of Chapter 17.134. A conditional use permit for such proposal may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to the following additional use permit criteria:
  3. That the proposal will clearly promote implementation of the General Plan. Any such proposal shall be subject to the provisions of the "best fit zone" corresponding to the land use classification in which the proposal is located, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060.~~ If there is more than one "best fit zone," the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan.
- C. Optional Rezoning in Lieu of Conditional Use Permit ("Express Conflict"). At his or her option, in lieu of the conditional use permit provided for by Subsection B<sub>2</sub> of this Section, the applicant may apply for a rezoning pursuant to the rezoning and law change procedure in Chapter 17.144. Any such rezoning shall be to the "best fit zone" or other possible zone corresponding to the land use classification in which the proposal is located, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060.~~ If

such a rezoning is approved, the proposal shall then be subject to all of the provisions of the new zone, including but not limited to, any required conditional use permit.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12054 § 2 (part), 1998)

**17.01.110 Proposals for which General Plan is silent or not clear on conformance.**

- A. If Permitted or Conditionally Permitted by Zoning ~~and/or Subdivision~~ Regulations (No "Express Conflict"). Any proposal for which the General Plan is silent or not clear as regards conformity and which is permitted or conditionally permitted by the Zoning ~~and/or Subdivision~~ Regulations shall be processed in accordance with such code and/or regulations.
- B. If Not Permitted by Zoning ~~and/or Subdivision~~ Regulations (No "Express Conflict"). Any proposal for which the General Plan is silent or not clear as regards conformity, and which is not permitted by the Zoning ~~and/or Subdivision~~ Regulations shall be processed in accordance with such code and/or regulations. At his or her option, the applicant may modify the project to conform to the code and/or regulations, may apply for a variance pursuant to the variance procedure in Chapter 17.148, or may apply for a rezoning pursuant to the rezoning and law change procedure in Chapter 17.144. Any such rezoning shall be to the "best fit zone" or other possible zone corresponding to the land use classification in which the proposal is located, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060.~~ If such a rezoning is approved, the proposal shall then be subject to all of the provisions of the new zone, including but not limited to, any required conditional use permit.

(Ord. 12054 § 2 (part), 1998)

**17.01.120 Proposals clearly not in conformance with the General Plan or the Land Use Diagram.**

Any proposal determined to clearly not conform to the General Plan shall not be allowed and no application shall be accepted, nor shall any permits be approved or issued, for any such proposal, except as provided in this Section or in Section 17.01.040 or Section 17.01.070.

- A. If Permitted or Conditionally Permitted by Zoning ~~and/or Subdivision~~ Regulations ("Express Conflict"). At his or her option, the applicant may modify the project to conform to the General Plan, request a General Plan conformity determination from the Director of City Planning pursuant to Section 17.01.070, or may apply for a General Plan Amendment. If such amendment involves the land use classification, the amendment shall be to the land use classification corresponding to the "best fit zone" or other possible zone in which the proposal is located, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060~~
- B. If Not Permitted by Zoning ~~and/or Subdivision~~ Regulations (No "Express Conflict"). If proposal is not permitted under the Zoning Regulations, the applicant may apply for a rezoning pursuant to the rezoning and law change procedure in Chapter 17.144 in addition to a General Plan amendment. Any such rezoning shall be to the "best fit zone": or other possible zone corresponding to the land use classification of the associated General Plan amendment, ~~as determined in accordance with the guidelines adopted pursuant to Section 17.01.060.~~ If such a rezoning is approved, the proposal shall then be subject to all of the provisions of the new zone, including but not limited to, any required conditional use permit.

OAKLAND

- C. If permitted or conditionally permitted by Zoning Regulations, and where determined by the Planning Director to be consistent with the surrounding land uses and appropriate for the area, notwithstanding that the project may not be consistent with the General Plan classification shown on the Land Use Diagram. It is recognized that the General Plan land uses have been broadly applied to areas without parcel by parcel specificity and that the Land Use Diagram details are largely illustrative of the Plan's written goals and policies. Because the Diagram is generalized, and does not necessarily depict the accuracy of each parcel or very small land areas, a determination of project consistency can be requested of the Director of City Planning. The applicant must demonstrate to the satisfaction of the Planning Director that the predominant use, or average density, is different from that shown on the Diagram and is appropriate for the area in question and that the project is in conformance with the written goals and policies of the General Plan. ~~The project may be allowed upon the granting of an interim conditional use permit or a conditional use permit.~~ Written notice of the Director's determination shall be sent to all property owners within three hundred (300) feet of the property involved. The Director's determination may be appealed to the City Council pursuant to Section 17.01.080B.

(Ord. 12514 § 2 (part), 2003; Ord. 12054 § 2 (part), 1998)

**Chapter 17.03 CITY PLANNING COMMISSION**

**Sections:**

17.03.010 City Planning Commission, Landmarks Preservation Advisory Board and Board of Adjustments.

17.03.020 Preservation powers and duties of City Planning Commission.

17.03.030 Additional powers and duties of the City Planning Commission.

17.03.040 Residential Appeals Committee of the City Planning Commission

**17.03.010 City Planning Commission, Landmarks Preservation Advisory Board and Board of Adjustments.**

- B. Abolition of Board of Adjustments. The Board of Adjustments is abolished; provided, however, that all matters pending before the Board of Adjustments on the effective date of this Section shall be heard and determined by the Board, or by the City Council in cases of appeal, in the same manner in effect prior to the effective date.
- F. Staggered Terms. Commencing with the effective date of the ordinance codified in this Section, Commission and Board members shall be appointed to staggered terms, such terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be only for the unexpired portion of the term.
- G. Length of Terms. Except for the initial appointments made immediately following passage of the ordinance codified in this Section, which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to Subsection F. of this Section, all appointments shall be for a period of three (3) years.
- H. 1. Limit on Consecutive Terms. Commencing with the effective date of the ordinance codified in this Section, no person shall serve more than two (2) consecutive terms as a member of the Commission or Board. Members of the Commission or Board sitting on the effective date of the ordinance codified in this Section shall not be appointed to serve more than one additional consecutive term as a member of the Commission or Board.

**17.03.020 Preservation powers and duties of City Planning Commission.**

The City Planning Commission shall have and exercise the following powers. It shall be advised and assisted in the exercise of these powers by the Landmarks Preservation Advisory Board.

- B. Contracts ~~w~~With Property Owners. The Commission may negotiate with owners of properties having special characteristics for, and may recommend to the City Council the approval of, contracts to restrict the use of such property and to retain such characteristics.
- H. Relationship to Powers of Director of City Planning and Others. This Section is not intended to restrict the powers and duties otherwise pertaining to the Director of City Planning, or to other city officers or bodies, in the field of preservation. They shall have the powers and duties assigned to them by the Zoning Regulations, by other codes and ordinances, by the City Charter, or by valid administrative authority.

(Ord. 12054 § 1(d), 1998; prior planning code § 3)

**17.03.030 Additional powers and duties of the City Planning Commission.**

In addition to the powers and duties of the City Planning Commission as specified at Sections 17.03.010 and 17.03.020, the City Planning Commission shall have and exercise the following powers and duties:

- C. Detailed Descriptions. Status reports submitted in fulfillment of Subsection B<sub>2</sub> of this Section must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the Commission.

**Chapter 17.07 TITLE, PURPOSE AND SCOPE OF THE ZONING REGULATIONS**

**Sections:**

17.07.010 Title, purpose, and applicability.

17.07.040 Applicability of zoning regulations.

17.07.060 Conformity with zoning regulations required.

**17.07.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Title and Scope of the Zoning Regulations. The purpose of these provisions is to specify the title, purposes, and applicability of the zoning regulations and to require conformity to said regulations. These provisions shall apply to the entire zoning regulations.

(Ord. 12054 § 1(a), 1998; prior planning code § 2000)

**17.07.040 Applicability of zoning regulations.**

A. To Which Property Applicable. The zoning regulations shall apply, to the extent permissible under other laws, to all property within the City of Oakland, and to property outside Oakland to the extent provided in Subsection B<sub>2</sub> of this Section, regardless of whether such property is in private or public ownership.

**17.07.060 Conformity with zoning regulations required.**

Except as otherwise allowed by Section 17.114.030 and by the nonconforming use regulations in Chapter 17.114, or as authorized under Section 17.138.015, the development agreement procedure in Chapter 17.138, or the variance procedure in Chapter 17.148, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, ~~maintained~~, maintained, or otherwise changed, and no lot lines shall be created or changed, except in conformity to the zoning regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12054 § 1(a), 1998; prior planning code § 2010)



## Chapter 17.09 DEFINITIONS

### Sections:

17.09.010 Title, purpose, and applicability.

17.09.020 General rules for construction of language.

17.09.040 Definitions.

17.09.050 Special definitions for projects in the Open Space (OS) Zone.

### 17.09.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases as hereinafter set forth shall apply throughout the zoning regulations, except where the context of such words or phrases clearly indicates a different meaning or construction.

(Ord. 12054 § 1(c), 1998; prior planning code § 2100)

### 17.09.020 General rules for construction of language.

The following general rules of construction shall apply to the textual provisions of the zoning regulations:

J. The word "city" means the City of Oakland.

(Ord. 12054 § 1(c), 1998; prior planning code § 2101)

### 17.09.040 Definitions.

**"Commercial Zone"** means any zone with a name that contains the words "Commercial Zone."

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

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

**"Family foster care home"** means a Residential Activity providing twenty-four (24) hour care for six (6) or fewer foster children in a Residential Facility that is the residence of the foster parents, including their family, in whose care the foster children have been placed.

**"Finished grade"** means:

1. Natural grade exterior to all buildings or structures created by any proposed development in all those situations not covered by Subsection 2\_ of this definition;
2. A revised grade exterior to all buildings or structures created by any proposed development where the revised grade is achieved under a City grading permit,

subdivision approval, or conditional use permit or other special zoning approval, or through officially approved work in a public right-of-way.

**"Floor Area":**

2. "Floor area," for all projects with one or two dwelling units on a lot, means the total square footage of all levels of all buildings on the lot. Levels shall be measured horizontally from the outside surface of exterior walls and supporting columns. The amount of floor area in each building shall be determined by the following criteria:
  - a. Floor area shall include all enclosed shafts, including stairwells, ventilation shafts and similar vertical shafts; the floor area of such shafts shall consist of the horizontal projection into the shaft of surrounding floor area; and
  - b. Floor area shall not include:
    - i. Unenclosed living areas such as balconies, decks and porches;
    - ii. Carports that are unenclosed on two (2) or more sides;
    - iii. Up to four hundred forty (440) square feet within an attached or detached garage or carport that is enclosed on three (3) or more sides;
    - iv. Nonhabitable accessory structures of less than one hundred twenty (120) square feet;
    - v. Attics and basements, as defined in the Oakland Planning Code, that do and not qualify ing as a story; and
    - vi. Finished and unfinished understories and basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least fifty percent (50%) of the perimeter and does not exceed twelve (12) feet above grade at any point.

**"Height"** means the vertical distance of any structure, building, fence, Sign, retaining wall, or other facility measured from any point on top of the facility to a line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a perpendicular plane connecting opposite points of finished grade at or the outside perimeter of the facility.

1. The height of any portion of a facility within six (6) feet of a retaining wall shall be measured from finished grade at the perimeter of the facility or at the base of the retaining wall, whichever is lower, subject to the following exceptions:
  - a. The height of any fence separated by a distance of at least eighteen (18) inches from the inside face of a retaining wall shall be measured from finished grade at the perimeter of the fence.
  - b. The height of any facility abutting a light well, depressed landing, or similar facility that extends entirely below surrounding finished grade and no more five (5) feet from the perimeter of the abutting facility shall be measured from the surrounding finished grade at the outside perimeter of the facility, not including the light well, depressed landing, or similar facility.

**"Independent parking space"** means a parking space which can be accessed without driving across another parking space. (See also "Dependent parking space" and "Tandem parking" in this Ssection.)

**"Industrial Zzone"** means any zone with a name that contains the words "Industrial Zone."

**"Major Conditional Use Permit"** means a conditional use permit which involves any of the purposes listed in Section 17.134.020A.

**"Major transit stop"** is defined consistent with California Public Resources Code Section 21064.3, as may be amended; and means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.

**"Major Variance"** means a variance which involves any of the provisions listed in Section 17.148.020A.

**"Minor Conditional Use Permit"** means a conditional use permit which does not involve any of the purposes listed in Section 17.134.020A.

**"Minor Variance"** means a variance which does not involve any of the provisions listed in Section 17.148.020A.

**"Mixed use development"** means an integrated development containing Residential, Commercial and/or Industrial Activities and adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or which may be contained in a single building.

**"Planned Unit Development (PUD)"** means a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

**"Principal building"** means a main building that is occupied by a principal activity.

**"Private Access Easement"** means a privately owned and maintained right-of-way which provides vehicular access to each of not more than four (4) lots. A private access easement allows the creation of no more than four (4) lots without street frontage, each with vehicular access on the easement. The area designated for the private access easement shall be excluded in computing minimum lot areas. A private access easement shall be a part of one or more lots. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the private access easement may be located within the public right-of-way. Private access easements shall not be named. Addresses for the living units served by the easement shall conform to the address range of the street upon which the easement abuts.

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

**"Rapid transit"** means a system of high-speed mass transit, often operating on exclusive rights-of-way, including but not limited to, the Bay Area Rapid Transit (BART) and Bus Rapid Transit (BRT) systems.

**"Residential Zone"** means any zone with a name that contains the words "Residential Zone."

**"Rooming Unit"** means a room or suite of rooms, not including a kitchen, designed or occupied as separate living quarters, with or without common boarding provisions, but excluding such rooms where they accommodate a total of three (3) or fewer paying guests within a One-Family Dwelling Residential Facility through the main portion of which access may be had to all such rooms; provided that in the case of student dormitories and similar group living arrangements, each two beds shall be deemed a rooming unit.

"**Secondary Unit**" means a subordinate dwelling unit that is located on the same lot as a larger primary dwelling unit, is either attached or detached, and meets the standards and criteria of Section 17.103.080.

"**Shared access facility**" means a common driveway as defined in this Section or a private access easement as defined in this Section.

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

**17.09.050 Special definitions for projects in the Open Space (OS) Zone.**

- A. "**Change in use**" means any activity which is not already established in the particular park or open space, or the significant expansion of any existing use. Changes in the ongoing, regularly-scheduled recreational programs offered by the City of Oakland, regional park district, and similar agencies shall not be considered "changes in use" unless they involve permanent structural changes to parks or park facilities. Conditionally permitted changes in use are listed in Sections 17.11.050, 17.11.060 and 17.11.090.
- B. "**Improvement**" means any project which, if proposed by a private applicant, would require issuance of a building, grading, or demolition permit by the City of Oakland. Parking lots shall also be included. Routine building and grounds maintenance where there is no change in the size, height, or external appearance of structures or grounds; and routine landscaping and/or landscape improvements, including irrigation systems, are not included. Conditionally permitted improvements are listed in Sections 17.11.050, 17.11.060 and 17.11.090.

## **Chapter 17.10 USE CLASSIFICATIONS**

### **Sections:**

#### **Article I - General Classification Rules**

#### **Article II - Activity Types**

Part 1 - Residential Activity Types

Part 2 - Civic Activity Types

Part 3 - Commercial Activity Types

Part 4 - Industrial Activity Types

Part 5 - Agricultural and Extractive Activity Types

#### **Article III - Facility Types**

Part 1 - Residential Facility Types

Part 2 - Nonresidential Facility Types

Part 3 - Sign Types

Part 4 - Telecommunications Facility Types

#### **Article I General Classification Rules**

17.10.010 Title, purpose, and applicability.

17.10.030 Listing of activity classifications.

17.10.040 Accessory activities.

17.10.050 Classification of combinations of principal activities.

17.10.060 Listing of facility classifications.

17.10.070 Accessory facilities.

#### **17.10.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Use Classifications. The purpose of these provisions is to classify uses into a number of specially defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations.

(Prior planning code § 2200)

#### **17.10.030 Listing of activity classifications.**

All activities are classified into the following activity types, which are described in Article II of this Chapter. (See Section 17.10.050 for classification of combinations of activities resembling

different types.) The names of these activity types start with capital letters throughout the zoning regulations.

A. Residential Activities:

Permanent

Residential Care

~~Service-Enriched Permanent~~ Supportive Housing

Transitional Housing

Emergency Shelter

Semi-Transient

Bed and Breakfast

**17.10.040 Accessory activities.**

In addition to the principal activities expressly included therein, each activity type shall be deemed to include such activities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal activity; are located on the same lot as such principal activity except as otherwise provided in Ssubsections A<sub>1</sub>, J<sub>1</sub>, and K<sub>1</sub> of this Ssection; and meet the further conditions set forth hereinafter. Such accessory activities shall be controlled in the same manner as the principal activities within such type except as otherwise expressly provided in the zoning regulations. Such accessory activities include, but are not limited to, the activities indicated below, but exclude the sale of alcoholic beverages to the general public except at a full-service restaurant or at an alcoholic beverage manufacturer, as described in Sections 17.10.550, 17.10.560, and 17.103.030. (See also Section 17.10.050 for additional activities included within activity types in the case of combinations of different principal activities.)

B. Home occupations, subject to the applicable provisions of the home occupation regulations in Chapter 17.112;

C. Residential occupancy in connection with a principal Nonresidential Activity on the same lot, but only:

1. If the residents are required to remain on the premises for protective, conference, or comparable technical purposes, or
2. As joint living and work quarters subject to the applicable provisions of Section 17.102.190;

D. Operation of an employee cafeteria by a firm engaging in a principal Nonresidential Activity on the same lot;

E. Sale of goods on the same lot as a principal Civic Activity, but only if such goods are available only to persons participating in the principal activity;

H. Operation of an administrative office of a firm engaged in a principal ~~Manufacturing or~~ Industrial Activity on the same lot, but only if such office does not occupy more than fifty ~~(50)~~ percent (50%) of the total floor area and open sales, display, storage, and service area occupied by such firm on the lot;

- I. Wholesale sale, or retail sale of goods produced by a principal ~~Manufacturing or Industrial Activity~~ on the same lot;
- N. Car-sharing services and parking spaces are considered accessory to all activities, as long as required parking space for that activity is not taken by car-sharing trucks and automobiles. Car-sharing services are considered accessory to all facility types, excepting: One-Family Dwellings, One-Family Dwellings with Secondary Units, Two-Family two-unit-Dwellings, and Rooming Houses.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12078 § 5 (part), 1998; prior planning code § 2211)

**17.10.050 Classification of combinations of principal activities.**

The following rules shall apply where a single lot contains activities which resemble two or more different activity types and which are not classified by Section 17.10.040 as accessory activities:

- C. Classification of Different Activities wWithin Same Major Class, Conducted by Single Establishment. If principal activities conducted on a single lot by a single establishment, management, or institution resemble two or more different activity types within the same major class of activities, all such principal activities shall be classified in the activity type within said class the description of which type most closely portrays the overall nature of such activities. However, when they have any of the characteristics of Utility and Vehicular, Health Care, or Extensive Impact Civic Activities; Alcoholic Beverage Sales, or General Wholesale Sales; Commercial Activities; General Manufacturing, ~~or~~ Heavy/High Impact Manufacturing, or Warehousing, Storage, and Distribution-Automotive Salvage/Junk Yards Industrial Activities; or Limited Agriculture, Extensive Agriculture, Crop and Animal Raising or Mining and Quarrying Agricultural or Extractive Activities, all such principal activities within the same major class of activities as any of such types shall be classified within that one of such types the description of which most closely portrays said principal activities; except that all such Industrial Activities shall be classified within the Warehousing, Storage, and Distribution-Automotive Salvage/Junk Yards Industrial Activities type if they have any of its characteristics, and all such Industrial Activities shall be classified within the Heavy/High Impact Industrial Activities type if they have any of its characteristics.
- D. Classification of Different Activities wWithin the Same Major Class Conducted on the Site of an Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activity. All principal activities conducted on the site of an Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activity shall be classified as Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities regardless of separate ownership or management, unless said principal activity is listed as a Conditionally Permitted Activity pursuant to the individual zone regulations and such principal activity requires a Major Conditional Use Permit pursuant to Section 17.134.020.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; prior planning code § 2213)

**17.10.060 Listing of facility classifications.**

All facilities are classified into the following facility types, which are described in Section Article III of this Chapter. (See Section 17.10.080 for classification of combinations of facilities resembling different types.) The names of these facility types start with capital letters throughout the zoning regulations.

## D. Telecommunications Facilities:

Micro Telecommunications

Mini Telecommunications

Macro Telecommunications

Monopole Telecommunications

Tower Telecommunications

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 11904 § 5.03, 1996; prior planning code § 2220)

**17.10.070 Accessory facilities.**

In addition to the principal facilities expressly included therein, each Residential and Nonresidential Facility type shall be deemed to include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal facility; are located on the same lot as such principal facility except as otherwise provided in Subsections A., F., and G. of this Section; and meet the further conditions set forth hereinafter. Such accessory facilities shall be controlled in the same manner as the principal facilities within such type except as otherwise expressly provided in the zoning regulations. They include but are not limited to the following facilities, but shall not be deemed to include Signs, which are classified and controlled separately:

- C. Storage and service areas and accessory buildings, other than those listed elsewhere in this Section, if serving a principal facility on the same lot; provided, however, that no such facilities which are unenclosed shall qualify as accessory to any principal Enclosed Nonresidential Facility except for open areas, not exceeding two hundred (200) square feet each, for the temporary storage of trash;
- E. Living quarters in connection with a principal Nonresidential Facility on the same lot, but only:
  - 1. If the residents are required to remain on the premises for protective, conference, or comparable technical purposes, or
  - 2. As joint living and work quarters subject to the applicable provisions of Section 17.102.190;
- F. Temporary construction yards and similar facilities which are necessary and incidental to development of facilities on the same lot, or on another of several lots being developed at the same time;



## Article II Activity Types

### Part 1 Residential Activity Types

17.10.100 General description of Residential Activities.

17.10.110 Permanent Residential Activities.

17.10.112 Residential Care Residential Activities.

17.10.114 ~~Service-enriched permanent~~ Supportive Housing Residential Activities.

17.10.116 Transitional Housing Residential Activities.

17.10.118 Emergency Shelter Residential Activities.

17.10.120 Semi-Transient Residential Activities.

17.10.125 Bed and Breakfast Residential Activities.

#### 17.10.100 General description of Residential Activities.

Residential Activities include the occupancy of living accommodations on a wholly or primarily nontransient basis, except for transient occupancy of Emergency Shelters; but exclude institutional living arrangements other than those that are defined as Residential Care, ~~Service-Enriched Permanent~~ Supportive Housing, Transitional Housing, and Emergency Shelter Residential Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999: prior planning code § 2250)

#### 17.10.110 Permanent Residential Activities.

Permanent Residential Activities include the occupancy of living accommodations on a weekly or longer basis, with none of the living units under the same ownership or management on the same lot being occupied on a shorter basis; but exclude institutional living arrangements other than state-licensed Residential Care Facilities for six (6) or fewer residents, ~~including family foster care homes; service-enriched permanent housing facilities for six (6) or fewer residents; and transitional housing facilities for six (6) or fewer residents.~~ However, such state-licensed Residential Care Facilities, ~~service-enriched permanent housing facilities and transitional housing facilities~~ shall be subject to the three hundred (300) foot separation requirement in Section 17.103.010.B. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999: prior planning code § 2260)

**17.10.112 Residential ~~C~~are ~~R~~esidential ~~A~~ctivities.**

Residential Care Residential Activities include all ~~R~~esidential ~~C~~are ~~F~~acilities that require a state license or are state licensed for seven (7) or more residents which provide twenty-four (24) hour primarily nonmedical care and supervision. Occupancy of living accommodations by six (6) or fewer ~~residents disabled persons, elderly persons, or persons in need of support services for chemical dependency recovery; or a family foster care home; or occupancy of any facilities supervised by or under contract with the State Department of Corrections; or service-enriched permanent housing facilities for six (6) or fewer residents; or transitional housing facilities for six (6) or fewer residents,~~ are excluded. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. State licensed ~~R~~esidential ~~C~~are ~~F~~acilities for six (6) or fewer residents shall be treated as Permanent Residential Activities except with regard to the three hundred (300) foot separation requirement in Section 17.103.010.B.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999)

**17.10.114 ~~Supportive Service-enriched permanent H~~ousing ~~R~~esidential ~~A~~ctivities.**

Supportive Housing Residential Activities include housing: (a) with no limit on length of stay; (b) that is linked to an onsite or offsite service that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community; and (c) that is occupied by the following target population (as defined in subdivision (g) of Government Code Section 65582):

- A. Adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions and may, among other populations, include adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people; or
- B. Individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code), who include individuals with a disability that originated before the individual was eighteen (18) years old, but not including handicapping conditions that are solely physical in nature.

Supportive Housing shall only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)). ~~Service-Enriched Permanent Housing Residential Activities for seven (7) or more residents include permanent housing in which residents are tenants who live independently and have access to various voluntary support services, such as, health, mental health, education and employment/training services. These services may be provided on-site and/or off-site. If support services are also offered on-site and/or off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Service-Enriched Permanent Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.~~

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999)

**17.10.116 Transitional ~~H~~ousing ~~R~~esidential ~~A~~ctivities.**

Transitional Housing Residential Activities (per State of California Government Code 65582(h), as may be amended) include housing configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months from beginning of assistance.

Transitional Housing shall only subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)). Transitional Housing Residential Activities for seven (7) or more residents include all types of "transitional housing programs" as defined by the state of California, which are designed to assist persons in obtaining skills necessary for independent living in permanent housing and which have all of the following components:

- ~~A. Support services programs that include regular individualized case management services and may include alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development.~~
- ~~B. Use of a living unit by a resident in a structured living environment, which use is conditioned upon compliance with the transitional housing program rules and regulations.~~
- ~~C. Program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.~~

~~If support services are also offered on-site to off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Transitional Housing Residential Activities for six (6) or fewer residents is considered a Permanent Residential Activity.~~

~~(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999)~~

**17.10.118 Emergency ~~S~~helter ~~R~~esidential ~~A~~ctivities.**

Emergency Shelter Residential Activities include the provision of short term housing, partly on a less-than-weekly basis and partly for a longer period, with or without a fee, to individuals who are homeless and who may require special services. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999)

**17.10.120 Semi-~~T~~ransient ~~R~~esidential ~~A~~ctivities.**

Semi-Transient Residential Activities include the occupancy of living accommodations partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty percent (30%) of the living units under the same ownership or management on the same lot being occupied on a less-than-weekly basis; but exclude institutional living arrangements involving the provision of a special kind of care or forced residence, such as in nursing homes, orphanages, asylums, and prisons. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2261)

**17.10.125 Bed and Breakfast Residential Activities.**

The provision of lodging services to transient guests on a less-than-weekly basis, other than in the case of activities classified by another Residential Activity (Sections 17.10.100 through 17.10.120) that have each of the following characteristics:

- A. The activity occupies a One-Family Dwelling Residential Facility, One-Family Dwelling with Secondary Unit Residential Facility, or a Two-Family Dwelling Residential Facility;
- B. The activity allows no more than twelve (12) adult paying guests at any time and contains no more than six (6) guest units;
- C. The activity is located in a facility that is owner occupied;
- D. The activity is located in a facility on a property with an existing or contingency historic rating of "A", "B", "C", or "D", or is a Landmark according to the City of Oakland Office of Historic Preservation;
- E. The facility includes incidental eating and drinking services for lodgers only that are provided from a single kitchen per bed and breakfast establishment.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**Part 2 Civic Activity Types**

17.10.130 General description of Civic Activities.

17.10.140 Essential Service Civic Activities.

17.10.150 Limited Child-Care Activities.

17.10.160 Community Asssembly Civic Activities.

17.10.170 Recreational Asssembly Civic Activities.

17.10.180 Community Education Civic Activities.

17.10.190 Nonassembly Cultural Civic Activities.

17.10.200 Administrative Civic Activities.

17.10.220 Health Care Civic Activities.

17.10.225 Special Hhealth Care Civic Activities.

17.10.230 Utility and Vehicular Civic Activities.

17.10.240 Extensive Impact Civic Activities.

**17.10.130 General description of Civic Activities.**

Civic Activities include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other activities which are strongly vested with public or social importance. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2300)

**17.10.140 Essential Service Civic Activities.**

Essential Service Civic Activities include the maintenance and operation of the following installations:

- A. Electric, gas, and telephone distribution lines and poles, and water, storm drainage, and sewer lines, with incidental appurtenances thereto, but excluding electric transmission lines;
- B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by one (1) or more persons for personal consumption and/or donation. This classification does not include the use of heavy mechanized farming equipment, or commercial sales on or off the premises, except for limited seasonal sales. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to, Municipal Code Chapters 6.04, 8.14, and 8.18;
- C. Botanical gardens;
- D. Private streets;
- E. Public polling places;
- F. Freeways, rapid transit routes, streets, alleys, and paths, but excluding activities on, under, or over such ways which activities are not customarily appurtenant thereto;
- G. Seasonal retail sales conducted for a limited duration under valid license or lease on property owned by the City;
- H. Police and Fire stations;
- I. Post offices, but excluding major mail processing centers;
- J. Telecommunications activities including the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- K. All activities not classified elsewhere in the use regulations that are conducted on City and regional parklands and which are specifically referenced in master plans which are adopted by the Oakland City Council.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12078 § 5 (part), 1998; prior planning code § 2310)

**17.10.150 Limited Cehild-Ceare Aactivities.**

Limited Child-Care Civic Activities include the provision of day-care service for fourteen (14) or fewer children, provided, however, that care for six (6) or more children be provided only in facilities licensed by a state or county agency. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2311)

**17.10.160 Community Aassembly Civic Aactivities.**

Community Assembly Civic Activities include the provision of civic activities to assembled groups of spectators or participants at the following institutions or installations. Examples of activities in this classification include but are not limited to the following:

- Churches, temples, synagogues, and other similar places of worship;
- Public and private nonprofit clubs, lodges, meeting halls, and recreation centers;
- Community, cultural, and performing arts center;
- Public and nonprofit gymnasiums and indoor swimming pools.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.170 Recreational Aassembly Civic Aactivities.**

Recreational Assembly Civic Activities include the provision of recreational activities, typically performed by participants within public facilities. Examples of activities in this classification include but are not limited to the following:

- Food service and other concessions located within public parks;
- Public and parochial playgrounds and playing fields;
- Temporary nonprofit festivals;
- Basketball courts, tennis courts, handball courts, lawn bowling, leisure areas, and similar outdoor park and recreational facilities;
- Community outdoor swimming and wading pools, and other water play features;
- Picnic areas.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.180 Community Education Civic Activities.**

Community Education Civic Activities include the activities typically performed by the following institutions:

- A. Public and private day-care centers for fifteen (15) or more children;
- B. Public and private nursery schools and kindergartens;
- C. Public and private elementary, junior high, and high schools;
- D. Support services provided for independent living skills development including self-improvement education, employment and job training for both on-site and off-site residents in conjunction with ~~Service-Enriched Permanent Housing and Transitional Housing-Residential Activities.~~

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999: prior planning code § 2316)

**17.10.190 Nonassembly Cultural Civic Activities.**

Activities that are primarily engaged in the display or preservation of objects of interest in the arts or sciences, for public, or private non-profit purposes. Examples of activities in this classification include but are not limited to the following:

- Publicly owned and nonprofit art galleries;
- Plant conservatories;
- Libraries;
- Museums;
- Observatories.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12078 § 5 (part), 1998; prior planning code § 2317)

**17.10.200 Administrative Civic Activities.**

Administrative Civic Activities include the activities typically performed by government and public utility administrative offices. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2318)

**17.10.220 Health ~~C~~are ~~C~~ivic ~~A~~activities.**

Health Care Civic Activities include all activities which primarily provide medical care and supervision other than those defined elsewhere in the Zoning Regulations. Examples of activities in this classification include, but are not limited to, the following:

- A. Health clinics;
- B. Hospitals;
- C. Skilled nursing, extended care, ~~residential care (including facilities licensed for six or fewer residents)~~, and assisted living facilities, all of which provide medical care on site;
- D. Nonresidential centers providing psychological or family counseling and mental hygiene services to individuals or groups;
- E. Support services which include regular individualized case management for both on-site and offsite residents in conjunction with ~~Service-Enriched Permanent Housing and Transitional Housing~~ Residential Activities;
- F. Facilities which provide inpatient and/or outpatient medical and/or psychological treatment for mental illness, substance and alcohol abuse and addiction;
- G. State licensed "Adult Day Care Facilities" and "Adult Day Support Centers".

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999: prior planning code § 2320)

**17.10.225 Special ~~H~~health ~~C~~are ~~C~~ivic ~~A~~activities.**

Special Health Care Civic Activities include all activities defined by Health Care Civic Activities in Subsection 17.10.220.F. (Health Care Civic Activities: Facilities which provide inpatient and/or outpatient medical and/or psychological treatment for mental illness, substance and alcohol abuse and addiction) when such services are provided primarily to persons who currently use hypodermic needles to illegally inject controlled substances and where such services may include needle exchange, drug treatment, drug counseling or such other health services frequently required by persons currently using hypodermic needles to illegally inject controlled substances. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12450, § 3, 2002)

**17.10.230 Utility and ~~V~~ehicular ~~C~~ivic ~~A~~activities.**

Utility and Vehicular Civic Activities include the maintenance and operation of the following installations:

- A. Communications equipment installations and exchanges, but excluding Telecommunications Activities specified in Section 17.10.140 Essential Civic Service Activities;
- B. Electrical substations;
- C. Gas substations;



- D. Neighborhood newscarrrier distribution centers;
- E. Publicly operated off-street parking lots and garages available to the general public either without charge or on a fee basis.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2321)

**17.10.240 Extensive Impact Civic Activities.**

Extensive Impact Civic Activities include the activities typically performed by, or the maintenance and operation of, the following institutions and installations:

- A. Airports, heliports, and helistops;
- B. Cemeteries, mausoleums, columbariums, and crematories;
- C. Colleges, junior colleges, and universities, but excluding business schools operated as profit-making enterprises;
- D. Detention and correction institutions;
- E. Docks and wharves operated by a public agency;
- F. Electric transmission lines;
- G. Garbage dumps;
- H. Golf courses and driving ranges;
- I. Major mail-processing centers;
- J. Military installations;
- K. Public and public utility corporation or truck yards;
- L. Radio and television transmission stations;
- M. Railroad and bus terminals;
- N. Railroad rights-of-way and yards and bus storage areas;
- O. Reservoirs and water tanks;
- P. Sewage disposal tanks;
- Q. Stadiums, sports arenas, auditoriums, and bandstands;
- R. Truck terminals operated by a public agency;
- S. Zoological gardens and wildlife preserves;
- T. Campgrounds;
- U. Stormwater detention ponds and facilities;
- V. Facilities supervised by or under contract with the State Department of Corrections, including alternative sentencing and community work release programs.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; Ord. 12078 § 5 (part), 1998; prior planning code § 2322)

### **Part 3 Commercial Activity Types <sup>[1]</sup>**

- 17.10.260 General description of Commercial Activities.
- 17.10.270 General Food Sales Commercial Activities.
- 17.10.272 Full Service Restaurant Commercial Activities.
- 17.10.274 Limited Service Restaurant and Cafe Commercial Activities.
- 17.10.280 Fast-Food Restaurant Commercial Activities.
- 17.10.290 Convenience Market Commercial Activities.
- 17.10.300 Alcoholic Beverage Sales Commercial Activities.
- 17.10.320 Mechanical or Electronic Games Commercial Activities.
- 17.10.330 Medical Service Commercial Activities.
- 17.10.340 General Retail Sales Commercial Activities.
- 17.10.345 Large-Scale Combined Retail and Grocery Sales Commercial Activities.
- 17.10.350 Consumer Service Commercial Activities.
- 17.10.360 Consultative and Financial Service Commercial Activities.
- 17.10.365 Check Cashier and Check Cashing Commercial Activities.
- 17.10.370 Consumer Cleaning and Repair Service Commercial Activities.
- 17.10.375 Consumer Dry Cleaning Plant Commercial Activities.
- 17.10.380 Group Asssembly Commercial Activities.
- 17.10.385 Personal Instruction and Improvement Services Commercial Activities.
- 17.10.390 Administrative Commercial Activities.
- 17.10.400 Business, Communication, and Media Service Commercial Activities.
- 17.10.410 Broadcasting and Recording Service Commercial Activities.
- 17.10.420 Research Service Commercial Activities.
- 17.10.430 General Wholesale Sales Commercial Activities.
- 17.10.440 Transient Habitation Commercial Activities.
- 17.10.450 Building Material Sales Commercial Activities.
- 17.10.460 Automobile and Other Light Vehicle Sales and Rental Commercial Activities.
- 17.10.470 Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities.

17.10.480 Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities.

17.10.485 Taxi and Light Fleet-Based Service Commercial Activities.

17.10.490 Automotive Fee Parking Commercial Activities.

17.10.500 Reserved.

17.10.505 Animal Boarding Commercial Activities.

17.10.510 Animal Care Commercial Activities.

17.10.520 Undertaking Service Commercial Activities.

**17.10.260 General description of Commercial Activities.**

Commercial Activities include the distribution and sale or rental of goods; the provision of services other than those classified as Civic Activities; and the administrative and research operations of private, profit-oriented firms, other than public utility firms. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.270 General Food Sales Commercial Activities.**

General Food Sales Commercial Activities include sthe retail sales of food or beverages for off-site preparation and consumption. This classification includes 1 but is not limited to 1 the following:

- A. Supermarkets or grocery stores that offer a variety of food items for home consumption such as a combination of fresh fruits, vegetables, breads, meat, dairy products, cereals, pastas, and prepackaged foods. Generally, grocery stores are a minimum five thousand (5,000) square feet and have a minimum twenty percent (20%) of net retail floor area devoted to the display of fresh fruits and vegetables and or fresh meats, whichever is greater.
- B. Stores specializing in particular or distinctive food items, including, but not limited to, retailers whose primary business maintains an inventory of specialty, gourmet, health, or ethnic food items. Examples of activities in this classification include 1 but are not limited to 1 the following:
  - Gourmet food stores;
  - Bakeries;
  - Butchers;
  - Specialty food stores;
  - Fish and poultry shops;
  - Produce markets;

- Delicatessens (may include sandwich shops in conjunction with the sale of other delicatessen products);
- Health food stores.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.272 Full Service Restaurant Commercial Activities.**

Full Service Restaurant Commercial Activities include the provision of providing food or beverage services to patrons who order and are served while seated (table service), and pay after eating. Only a minor proportion, if any, of the food is sold for consumption off-premises. These restaurants have kitchens that contain equipment suitable for cooking an assortment of foods. Also, see Sections 17.103.130 and 17.156.070 for definitions of a full-service restaurant in relation to Alcoholic Beverage Sales. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.274 Limited Service Restaurant and Cafe Commercial Activities.**

Limited Service Restaurant and Cafe Commercial Activities include the provision of that generally provide food or beverage services to patrons that generally order and pay before eating. Food and beverages may be served in disposable containers and may be consumed on the premises or taken out. Seating for on-premises consumption is usually available and table service may or may not be provided. Examples of these activities include, but are not limited to, cafes and restaurants that do not fall under 17.10.272 Full Service Restaurant or 17.10.280 Fast-food Restaurant Commercial Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.280 Fast-Food Restaurant Commercial Activities.**

- A. Fast-Food Restaurant Commercial Activities include the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast-Food Restaurants may also exhibit other design and operating characteristics, including: (1) a limited menu; (2) food is typically ordered and served at a service counter; (3) food is paid for prior to consumption; (4) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040.
- B. Except as may otherwise be allowed in Oakland Municipal Code (OMC) Chapters 5.49, 5.51, 8.09, and 9.52, the sale of ready-to-consume prepared foods from trucks, pushcarts or other movable equipment located on public or private property on a semi-permanent basis during hours of operation. Vehicular food vending generally has the following characteristics:

## OAKLAND

- Food is ordered and served from a take-out counter that is integral to the catering truck;
- Food is paid for prior to consumption;
- Catering trucks, pushcarts or other movable equipment from which the food is sold typically have a take-out counter and space for customer queuing;
- Food and beverages are served in disposable wrappers, plates or containers; and
- Food and beverages are prepared and sold for off-site consumption.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

### **17.10.290 Convenience Market Commercial Activities.**

Convenience Market Commercial Activities include the retail sale of food, beverages, and small personal convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building; but exclude delicatessens and other specialty food shops, establishments that have a sizeable amount of highly perishable items such as fresh fruits and vegetables, fresh-cut meat. In general, "late hours of operation" means businesses that stay open until or after 10:00 p.m. or at or before 7:00 a.m.; "relatively small building" means a building that is less than five thousand (5,000) square feet; and "a sizeable amount of highly perishable items" means at least twenty percent (20%) of net retail floor area devoted to fresh fruits and vegetables and/or fresh meats, whichever is greater, devoted to these products. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

### **17.10.300 Alcoholic Beverage Sales Commercial Activities.**

Alcoholic Beverage Sales Commercial Activities include the retail sale, for on- or off-premises consumption, of liquor, beer, wine, or other alcoholic beverages, but exclude full-service restaurants and alcoholic beverage manufacturers. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

### **17.10.320 Mechanical or Electronic Games Commercial Activities.**

Mechanical or Electronic Games Commercial Activities include the provision of pinball machines, video game devices, or other mechanical or electronic games, as defined in the Oakland Municipal Code, where the games can be played or operated by the public or by customers; but exclude the provision of such games in a pool or billiard room or bowling alley for which a permit is required pursuant to Chapter 5.02 of the Oakland Municipal Code and from which persons under eighteen (18) years of age are barred at all times by the owner or operator, or in premises which are licensed by the State Department of Alcoholic Beverage Control for on-sale consumption of alcoholic beverages and which do not lawfully allow minors.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

#### **17.10.330 Medical Service Commercial Activities.**

Medical Service Commercial Activities include the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, psychotherapists, and other practitioners, as well as the provision of medical testing and analysis services. They also include certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

#### **17.10.340 General Retail Sales Commercial Activities.**

General Retail Sales Commercial Activities include the sales of items generally for personal or household use, but excludes activities more specifically described in other classifications. This activity does not include establishment where more than five percent (5%) of net retail floor area is devoted to food products. Examples of activities in this classification include, but are not limited to, the following:

- Book and magazine, music, and video stores;
- Pharmacy that sells prescription and non-prescription drugs along with miscellaneous retail items;
- Florists;
- News stand;
- New and used clothing and shoes stores;
- Department stores;
- Electronics and appliance stores;
- Furniture and home furnishing stores;
- Gift shops;
- Hardware and paint stores;
- Hobby supply stores;
- Auto parts stores, excluding service or installation;
- Jewelry stores;
- Luggage and leather goods stores;
- Office supply and stationary stores;
- Sporting goods stores.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.345 Large-Scale Combined Retail and Grocery Sales Commercial Activities.**

Large-Scale Combined Retail and Grocery Sales Commercial Activities include the retail sale from the premises of goods and merchandise, primarily for personal or household use, from stores whose total sales floor area exceeds one hundred thousand (100,000) square feet, and which devote more than ten percent (10%) of sales floor area to the sale of non-taxable merchandise, but exclude wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee. This classification excludes the sale or rental of motor vehicles, except for parts and accessories, and the sale of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.350 Consumer Service Commercial Activities.**

Consumer Service Commercial Activities include the provision of services of a personal nature, but exclude activities more specifically classified elsewhere. Examples of activities in this classification include, but are not limited to, the following:

- Barber shops;
- Beauty salons;
- Laundromats;
- Nail salons;
- Full service laundry service and dry cleaners (not including dry cleaning plants);
- Shoe shine stands;
- Tailors;
- Tanning salons;
- Tattoo parlors;
- A pharmacy that exclusively sells prescription drugs, non-prescription drugs, and other medical-related products;
- Massage services.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13042, § 4(Exh. A), 10-19-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.360 Consultative and Financial Service Commercial Activities.**

Consultative and Financial Service Commercial Activities include the provision of financial, mortgage, insurance, retail bank branch, consumer oriented tax services, and real estate brokerage services, other than the services classified as Civic Activities or described in Sections 17.10.330 (Medical Service), 17.10.400 (Business, Communication, and Media Service), and 17.10.420 (Research Service Commercial Activities). This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.365 Check Cashier and Check Cashing Commercial Activities.**

Check Cashier and Check Cashing Commercial Activities includes:

- A. A person or entity that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. A "Check Cashier Activities" also includes the business of deferred deposits whereby the check cashier refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code Section 1789.33, as amended.
- B. "Check Cashier" or "Check Cashing Activities" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check Cashier" or "Check Cashing Activities" also does not include a retail seller engaged primarily in the business of selling consumer goods, such as consumables, to retail buyers, that cashes checks or issues money orders for a minimum flat fee, not exceeding two (2) dollars, as a service to its customers that is incidental to its main purpose or business. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.370 Consumer Cleaning and Repair Service Commercial Activities.**

Consumer Cleaning and Repair Service Commercial Activities include the cleaning or repair of household appliances, furniture, and similar items; but exclude establishments that include on-site dry cleaning or repair of motor vehicles and of structures. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.375 Consumer Dry Cleaning Plant Commercial Activities.**

Dry Cleaning Plant Commercial Activities includes the on-site dry cleaning of personal apparel and similar items with or without consumer drop-off and pick-up. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)



**17.10.380 Group Assembly Commercial Activities.**

Group Assembly Commercial Activities include the provision of instructional, amusement, and other services of a similar nature to group assemblages of people. This classification does not include any activity classified in Section 17.10.160 Community Assembly Civic Activities, Section 17.10.170 Recreational Assembly Civic Activities, or Section 17.10.180 Community Education Civic Activities. Examples of activities in this classification include, but are not limited to, the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with three thousand (3,000) ~~two thousand (2,000)~~ square feet or more of classroom or instructional space;
- Drive-in theaters;
- Theaters or venues with three thousand (3,000) square feet or more of performance, lobby space, and audience floor area;
- Temporary carnivals, fairs, and circuses;
- Cabarets, night clubs, dance halls, adult entertainment, and pool halls;
- Banquet halls;
- Fitness clubs with three thousand (3,000) ~~two thousand (2,000)~~ square feet or more of floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.385 Personal Instruction and Improvement Services Commercial Activities.**

Personal Instruction and Improvement Services Commercial Activities include the provision of informational, instructional, personal improvement and other services of a similar nature. This classification does not include any activity classified as Section 17.10.180 Community Education Civic Activities or Section 17.10.380 Group Assembly Commercial Activities. Examples of activities in this classification include, but are not limited to, the following:

- Yoga, martial arts, driving school, job training, and other instructional classes in facilities with less than three thousand (3,000) ~~two thousand (2,000)~~ square feet of classroom or instructional space;
- Fitness clubs with less than three thousand (3,000) ~~two thousand (2,000)~~ square feet of floor area;
- Theaters or venues with less than three thousand (3,000) square feet of performance, lobby space, and audience floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

#### **17.10.390 Administrative Commercial Activities.**

Administrative Commercial Activities include the professional, executive, management, administrative, and clerical activities of private firms, other than public utility firms. This classification includes, but is not limited to, administrative corporate headquarter offices, business offices, and the offices of investment firms. Examples of activities in this classification include, but are not limited to, the following:

- Cultural and advocacy offices;
- Law firms;
- Accounting;
- Advertising;
- Architectural and engineering consulting firms;
- Management consulting firms;
- Computer consulting;
- Software design;
- Data management and billing services offices;
- Administrative offices of non-profit organizations.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

#### **17.10.400 Business, Communication, and Media Service Commercial Activities.**

Business, Communication, and Media Service Commercial Activities include the provision of services of a clerical, goods brokerage, communication, or minor processing nature such as digital and print production, photocopying, audio and video editing, and mailing services. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

#### **17.10.410 Broadcasting and Recording Service Commercial Activities.**

Broadcasting and Recording Service Commercial Activities include the recording or broadcasting of music or video performed in studios. This category does not include transmission towers. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.420 Research Service Commercial Activities.**

Research Service Commercial Activities include research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm, other than a public utility firm. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.430 General Wholesale Sales Commercial Activities.**

General Wholesale Sales Commercial Activities include the storage and sale, from the premises, of bulk goods, as well as the storage of such goods on the premises and their transfer therefrom to other firms or individuals; but exclude sale or storage of motor vehicles, except for parts and accessories, and sale or storage of materials used in construction of buildings or other structures. This classification does not include hardware or paint stores. This classification also excludes activities under Section 17.10.345 (Large-Scale Combined Retail and Grocery Sales Commercial Activity). This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.440 Transient Habitation Commercial Activities.**

Transient Habitation Commercial Activities include the provision of lodging services to transient guests on a less-than-weekly basis, other than in the case of activities classified by Section 17.10.120 Semi-Transient Residential Activities or Section 17.10.125 Bed and Breakfast Residential Activities. Examples include hotels and motels. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.450 Building Material Sales Commercial Activities.**

~~Building Materials Sales Commercial Activities and Service~~ include ~~s~~ the sale of bulk building and landscaping supplies. This classification includes, but is not limited to, sales of heating, air conditioning, electrical and plumbing equipment, soil, soil amendments, lumber, gravel, or other similar building materials. Landscaping and building materials are commonly stored outside. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.460 Automobile and Other Light Vehicle Sales and Rental Commercial Activities.**

Automobile and Other Light Vehicle Sales and Rental Commercial Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of small passenger vehicles and light trucks that have a gross vehicle weight rating of less than fourteen thousand (14,000) pounds such as cars, sports utility vehicles, motorcycles, pickup trucks, vans, light tow trucks,

light trucks, boats and RVs. This classification also includes the retail or wholesale sale or rental, from the premises, of any type of goods where orders are placed predominantly by telephone or mail order with delivery being provided by motor vehicle. Delivery activities that include use of more than two (2) on-site tow trucks are excluded from this classification. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.470 Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities.**

Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities include the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles that have a gross vehicle weight less than fourteen thousand (14,000) pounds and the fulfilling of motorist needs, including sale of petroleum products together with sale and servicing of tires, batteries, automotive accessories, and replacement items, lubricating services, and performance of minor repairs. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.480 Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities.**

Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities include the major repair or painting of motor vehicles that have a gross vehicle weight rating of less than fourteen thousand (14,000) pounds, including body work and installation of major accessories, as well as the washing and polishing of motor vehicles. This classification does not include vehicle dismantling or salvage and tire re-treading or recapping. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.485 Taxi and Light Fleet-Based Service Commercial Activities.**

Taxi and Light Fleet-Based Service Commercial Activities include pPassenger transportation services, local delivery services, and other businesses that rely on fleets of three (3) or more vehicles with a gross vehicle weight rating of less than fourteen thousand (14,000) pounds. This classification includes parking, dispatching, and offices for taxicab and limousine operations, airport shuttles, medical transport, local messenger and document delivery services, janitorial services, and similar businesses. This classification only includes towing operations when vehicles are taken to off-site locations and the tow trucks do not exceed the above gross vehicle weight rating. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.490 Automotive Fee Parking Commercial Activities.**

Automotive Fee Parking Commercial Activities include the parking and storage of motor vehicles on a fee basis, other than the operation of parking facilities by a Civic Activity. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.505 Animal Boarding Commercial Activities.**

Animal Boarding Commercial Activities include any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of dogs, cats, pets, or other domestic animals for profit, but exclusive of animals used for agricultural purposes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.510 Animal Care Commercial Activities.**

Animal Care Commercial Activities include the provision of animal care and treatment wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**17.10.520 Undertaking Service Commercial Activities.**

Undertaking Service Commercial Activities include the provision of undertaking and funeral services involving the care and preparation of the human dead prior to burial. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009)

**Part 4 Industrial Activity Types**

17.10.540 General description of Industrial Activities.

17.10.550 Custom Manufacturing Industrial Activities.

17.10.560 Light Manufacturing Industrial Activities.

17.10.570 General Manufacturing Industrial Activities.

17.10.580 Heavy/High Impact Manufacturing Industrial Activities.

17.10.581 Research and Development Industrial Activities.

17.10.582 Construction Operations Industrial Activities.

17.10.583 Warehousing, Storage, and Distribution Industrial Activities.

17.10.584 Regional Freight Transportation Industrial Activities.

17.10.585 Trucking and Truck-Related Industrial Activities.

17.10.586 Recycling and Waste-Related Industrial Activities.

17.10.587 Hazardous Materials Production, Storage, and Waste Management Industrial Activities.

**17.10.540 General description of Industrial Activities.**

Industrial Activities include the on-site production of goods by methods other than agricultural and extractive in nature the provisions of warehousing and storage, freight handling, shipping, and trucking services; and the storage, transportation, and processing of recyclable or waste materials, and hazardous materials. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008: prior planning code § 2400)

**17.10.550 Custom Manufacturing Industrial Activities.**

Custom Manufacturing Industrial Activities include the small-scale production of artisan and/or custom products. This activity typically includes the production of finished parts or products by hand, involving the use of hand tools and small-scale equipment within enclosed buildings. Custom Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard, or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes, but is not limited to, the production of:

- A. Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with ten thousand (10,000) square feet or less of floor area (See Section 17.10.040 for allowed sales activities accessory to the production of alcoholic beverages and Section 17.103.030 for definition of an alcoholic beverage manufacturer);
- B. Cameras and photographic equipment;
- C. Custom sign-making;
- D. Custom clothing;
- E. Custom furniture building and refinishing;
- F. Professional, scientific, measuring, and controlling instruments;
- G. Musical instruments;
- H. Medical, dental, optical and orthopedic instruments and appliances, and similar items;
- I. Handicraft, art objects, and jewelry.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

**17.10.560 Light Manufacturing Industrial Activities.**

Light Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging, or treatment of components or products, primarily from previously prepared materials, and typically within enclosed buildings. Light Manufacturing Industrial Activities do not produce noise, vibration, air pollution, fire hazard, or noxious emission that will disturb or endanger neighboring properties. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes, but is not limited to, the production or assembly of:

- A. Production apparel manufacturing;
- B. Computer and electronic products;
- C. Pharmaceutical production;
- D. Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) with more than ten thousand (10,000) square feet of floor area (See Section 17.10.040 for allowed sales activities accessory to the production of alcoholic beverages and Section 17.103.030 for definition of an alcoholic beverage manufacturer);
- E. Electrical equipment, appliances, and components;
- F. Furniture and related products;
- G. Pharmaceutical production;
- H. Sporting and athletic goods.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

**17.10.570 General Manufacturing Industrial Activities.**

General Manufacturing Industrial Activities include the manufacturing, compounding, processing, assembling, packaging or treatment of products from extracted, raw, recycled or secondary materials; they may have some or all activities conducted outdoors. This classification excludes all activities under Intermediate Recycling Processing Facilities. The Zoning Administrator or his/her designee may place an activity that otherwise fits this description, but does not produce noise, vibration, air pollution, fire hazard, or noxious emission that will violate standard in Chapter 17.120, or another federal, State or local standards into the Light Manufacturing Industrial Activities classification. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include, but are not limited to, the following:

- A. Chemical manufacturing (except for the chemical products listed under Heavy/High/Impact Manufacturing);
- B. Glass manufacturing;
- C. Metal foundries;
- D. Wood product manufacturing;
- E. Heavy equipment and manufacturing;
- F. Paper finishing;

- G. Pipe production facilities;
- H. Textile mills;
- I. Tire retreading and recapping;
- J. Wood product manufacturing.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

**17.10.580 Heavy/High Impact Manufacturing Industrial Activities.**

Heavy/High Impact Manufacturing Industrial Activities include high impact or hazardous manufacturing processes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include, but are not limited to, the following:

- A. Any manufacturing use with large-scale facilities for outdoor oil and gas storage;
- B. Any biotechnology research, development or production activities involving materials defined by the National Institute of Health as Risk Group 4 or Restricted Agents (commonly known as "biosafety level 4");
- C. Battery manufacturing and storage;
- D. Lime and gypsum products manufacturing;
- E. Non-ferrous metals production, processing, smelting and refining;
- F. Painting, coating and adhesive manufacturing;
- G. Synthetic dye and pigment manufacturing;
- H. Urethane and other open-cell foam product manufacturing;
- I. Petroleum and coal products manufacturing and refining;
- J. Primary metal smelting;
- K. Vinegar, yeast and other pungent, odor-causing items production;
- L. Leather tanning;
- M. Cement and asphalt manufacturing;
- N. Explosives manufacturing;
- O. Fertilizer and other agricultural chemical manufacturing.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

**17.10.581 Research and Development Industrial Activities.**

Research and Development Industrial Activities include scientific research for the design, development, engineering, and testing of high technology electronic, industrial, or scientific products in advance of full-scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the



primary purpose of research, development, or evaluation, rather than sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

This classification excludes manufacturing uses, wholesale and storage uses, repair and retail sales, except as an accessory use as specified in Section 17.10.040; this classification also excludes the on-site production of products for sale, and biotechnology laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (Section 17.10.580 Heavy/High Impact Manufacturing Activities).

This classification includes, but is not limited to, biotechnology firms, "clean-tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008)

#### **17.10.582 Construction Operations Industrial Activities.**

Construction Operations Industrial Activities include enclosed and unenclosed facilities and accessory yards for construction and incidental storage activities and/or fabrication activities performed by construction contractors on lots other than construction sites. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification includes, but is not limited to, the storage and custom cutting of stone for interior applications, roofing and plumbing component storage, and equipment storage for environmental contractors.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008)

#### **17.10.583 Warehousing, Storage, and Distribution Industrial Activities.**

Warehousing, Storage, and Distribution Industrial Activities This classification include s-five (5) sub-classifications as described below. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040:

- A. General Warehousing, Storage, and Distribution. General Warehousing, Storage, and Distribution Activities include tThe warehousing and storage, primarily within enclosed buildings, of commercial goods (other than primary storage of hazardous materials), and the associated distribution activities that occur on-site prior to delivery of goods to wholesale and retail outlets or direct shipment to customers. These activities may also include ancillary truck parking and dispatching; and accessory outdoor storage areas where outdoor storage, not including parking and loading areas, does not occupy more than thirty percent (30%) of the total site area. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~
- B. General Outdoor Storage. General Outdoor Storage Activities include s—principal outdoor storage of items for more than 24 hours where such storage activities occupy more than thirty percent (30%) of the site area. The principal storage of goods and materials, equipment or vehicles; as well as the storage of operating equipment for warehouses, such as forklifts, pallets, and racks. This classification excludes outdoor storage uses that are more specifically described in this Chapter, including, but not limited to, container storage, salvage and junk yards and oil and gas storage. This classification includes, but is not limited to, construction trailers, outdoor sheds or accessory portable structures, secondary sites for storage of building materials that are not for resale on-site.

- C. Self- or Mini-Storage. Self- or Mini-Storage Activities consist of storage in small individual spaces, on average of four hundred (400) square feet or less that are exclusively and directly accessible to a specific tenant, offered on a monthly or other limited basis, and available to the general public.
- D. Container Storage. Container Storage Activities includes the storage, repair, and "pre-tripping" of shipping containers, including refrigerated shipping containers, on open lots. Includes minor repair and cleaning of containers, and may include the rehabilitation of containers for other uses.
- E. Automotive Salvage/Junk Yards. Automotive Salvage/Junk Yard Activities include the Storage and dismantling of vehicles and equipment for sale of parts.

**17.10.584 Regional Freight Transportation Industrial Activities.**

Regional Freight Transportation Industrial Activities include the provision of freight handling and shipping services by water and rail. They include the inter- and intra-regional transportation of goods. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

- A. Seaport. The accommodation of freight service and operations by ship. This classification includes piers, wharves and docks, marine terminals, container and break-bulk storage areas (where container storage is an accessory, rather than principal activity), related inter-modal facilities, and support services such as port and harbor operations and navigational services.
- B. Rail yard. Accommodation of freight service and operations by rail.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008)

**17.10.585 Trucking and Truck-Related Industrial Activities.**

Trucking and Truck-Related Industrial Activities include the provision of freight handling and shipping services by trucks as well as parking, maintenance, and services for trucks and other heavy vehicles and equipment. Each classification involves the use of trucks and other heavy vehicles that have a gross vehicle weight rating greater than or equal to fourteen thousand (14,000) pounds. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

**17.10.586 Recycling and Waste-Related Industrial Activities.**

Recycling and Waste-Related Industrial Activities include recycling collection, intermediate processing, and other activities related to the storage and processing of used and waste materials. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

- A. Satellite Recycling Collection Centers. An activity accepting recyclable non-hazardous materials directly from the public by donation, redemption, or purchase at facilities less than five hundred (500) square feet in area that generally do not use power-driven processing equipment.

Satellite collection centers may include mobile recycling units, bulk reverse vending machines, kiosk type units, and/or unattended containers placed for the donation of

recyclable materials. These facilities are generally located in, or associated with supermarkets and shopping centers. Most, though not all, satellite collection centers are set up pursuant to requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986, which requires establishment of such centers in all "Convenience Zones" (CZ) in California, defined as the area within one-half ( $\frac{1}{2}$ ) mile of all supermarkets, to collect beverage containers made from materials such as aluminum, glass, plastic, and bimetal for recycling.

- B. Primary Recycling Collection Centers. An activity accepting recyclable non-hazardous materials by donation, redemption, or purchase at facilities occupying an area of more than five hundred (500) square feet that are not operated incidental to a host use and that may have a permanent building. Primary collection centers typically use power-driven equipment to sort and condense material for shipment to an intermediate processor or other user. Primary Recycling Collection Centers may have a combination of outdoor processing and storage.

**17.10.587 Hazardous Materials Production, Storage, and Waste Management Industrial Activities.**

Hazardous Materials Production, Storage, and Waste Management Industrial Activities include four (4) sub-classifications as described below. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040:

- A. Small Scale Transfer and Storage Hazardous Waste Management Activities. Small Scale Transfer and Storage Hazardous Waste Management Activities include treatment facilities with waste streams small enough to be exempt from manifest requirements as described in California Health and Safety Code, Division 20, Chapter 6.5, Article 6. Wastes from any given generator must not exceed a total volume of five (5) gallons or a total weight of fifty (50) pounds. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~
- B. Industrial Transfer/Storage Hazardous Waste Management Activities. Industrial Transfer/Storage Hazardous Waste Management Activities include any treatment facility which is not a Small Scale Transfer and Storage Facility or Residual Repository. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~
- C. Residuals Repositories Hazardous Waste Management Activities. Residuals Repositories Hazardous Waste Management Activities include treatment facilities for collection of residual wastes de-fined as residues from other treatment facilities after treatment, and other irreducible stabilized or detoxified hazardous wastes. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~
- D. Oil and Gas Storage. Oil and Gas Storage Activities includes tank farms and outdoor facilities for the bulk storage and handling of fuel and lubricating oils, gasoline and natural gas. ~~This classification also includes certain activities accessory to the above, as specified in Section 17.10.040~~

**Part 5 Agricultural and Extractive Activity Types**

17.10.590 General description of Agricultural and Extractive Activities.

17.10.600 Plant Nnursery Agricultural Activities.

17.10.610 Limited Agricultural Activities.

17.10.615 Extensive Agricultural Activities.

17.10.620 Mining and Quarrying Extractive Activities.

**17.10.590 General description of Agricultural and Extractive Activities.**

Agricultural and Extractive Activities include the on-site production of plant and animal products by agricultural methods, and of mineral products by extractive methods. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2450)

**17.10.600 Plant Nnursery Agricultural Activities.**

Plant Nursery Agricultural Activities include the cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 2460)

**17.10.610 Limited Agricultural Activities.**

Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities.

**17.10.615 Extensive Agricultural Activities.**

Extensive Agricultural Activities include the keeping, grazing, or feeding of animals by agricultural methods, including bee keeping activities involving more than three (3) hives, intended to provide animals or animal products for on- or off-site sale; and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to, the use of any heavy mechanized farming equipment. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include any activity classified in Section 17.10.505 Animal Boarding Commercial Activities or Section 17.10.510 Animal Care Commercial Activities.

**17.10.620 Mining and ~~Q~~quarrying ~~E~~extractive ~~A~~activities.**

Mining and Quarrying Extractive Activities include the extraction of metallic and nonmetallic minerals, including sand and gravel pit operations. They include surface mining operations as defined by Section 2735 of the Public Resources Code of the state of California. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

**Article III Facility Types****Part 1 Residential Facility Types**

17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.

**17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.**

One-Family Dwelling with Secondary Unit Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities, which contains one primary dwelling unit and one ~~S~~secondary ~~U~~unit. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

(Ord. 12199 § 3 (part), 2000: prior planning code § 2560.1)

**Part 2 Nonresidential Facility Types**

17.10.750 Sidewalk Cafe Nonresidential Facilities.

17.10.770 Drive-Through Nonresidential Facilities.

**17.10.750 Sidewalk Cafe Nonresidential Facilities.**

~~A Sidewalk Cafe Nonresidential Facilities y is include dining areas which encroach within the sidewalk or plaza area of the public right-of-way and are intended to accommodate either a General Food Sales Commercial, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, or Alcoholic Beverage Sales Commercial Activity located on private property, with a dining area which encroaches within the sidewalk area of the public right-of-way. Such dining areas shall be defined by design elements which separate the establishment from the remainder of the sidewalk or plaza.~~

**17.10.770 Drive-Through Nonresidential Facilities.**

~~A Drive-Through Nonresidential Facilities y is a include vehicular access systems designed to enable persons to receive a service or purchase goods by driving through the property and conducting the transaction while remaining within the vehicle. The systems generally consists of a vehicular stacking/queuing lane(s) and one or more service locations/windows. Drive-Through Nonresidential Facilities are intended to accommodate Civic, Commercial, Industrial, or~~

Agriculture or Extractive Activities. They also include certain other facilities accessory to the above as specified in Section 17.10.070.

#### **Part 4 Telecommunications Facility Types**

17.10.870 Micro Telecommunications Facilities.

17.10.880 Mini Telecommunications Facilities.

17.10.890 Macro Telecommunications Facilities.

17.10.900 Monopole Telecommunications Facilities.

17.10.910 Tower Telecommunications Facilities.

#### **17.10.870 Micro Telecommunications Facilities.**

A Micro Telecommunications Facility is an attached wireless communication facility consisting of no more than three (3) antennas whose height is no more than four (4) feet and whose width is no more than one (1) foot and the antennas are concealed from view. If the antennas are visible, they may be no more than two (2) feet tall and the width and depth of the antennas may be no more than four (4) inches. The associated equipment cabinets are not to exceed four (4) feet high by three (3) feet wide by two (2) feet deep if they are visible. If the equipment cabinets are concealed in an existing building, there is no limit on size of equipment.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12768 § 3 (part), 2006; Ord. 11904 § 5.06 (part), 1996: prior planning code § 2710)

#### **17.10.880 Mini Telecommunications Facilities.**

A Mini Telecommunications Facility is an attached wireless communication facility consisting of no more than twelve (12) antennas projecting no more than fifteen (15) feet above the roof line. The associated equipment cabinets are either concealed in an existing building, or no more than six (6) feet in height and occupy an area of no more than thirty (30) square feet. Construction of a separate structure to enclose the equipment serving the antennas is not allowed under the Mini Telecommunications Facility definition.

#### **17.10.890 Macro Telecommunications Facilities.**

A Macro Telecommunications Facility is a wireless communication facility not included in the definition of Micro Telecommunications Facilities, Mini Telecommunications Facilities, Monopole Telecommunications, ~~§~~ or Lattice-Towers Telecommunications Facilities.

(Ord. 11904 § 5.06 (part), 1996: prior planning code § 2712)

#### **17.10.900 Monopole Telecommunications Facilities.**

A Monopole Telecommunications Facility is a wireless communication facility that supports wireless communications antennas with a monopolar structure erected on the ground, terminating in one or more connecting appurtenances.

OAKLAND

(Ord. 11904 § 5.06 (part), 1996: prior planning code § 2713)

**17.10.910 Tower Telecommunications Facilities.**

A Tower Telecommunications Facility is a self-supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

## **Chapter 17.11 OS OPEN SPACE ZONING REGULATIONS**

### **Sections:**

17.11.010 Title, purpose, and applicability.

17.11.030 Activities and facilities deemed approved or legal nonconforming.

17.11.050 Conditionally permitted activities.

17.11.060 Special provisions for permitted and conditionally permitted activities in the OS Zzone.

17.11.080 Conditionally permitted facilities.

17.11.090 Special provisions for permitted and conditionally permitted facilities, and facilities allowed by variance in the OS Zzone.

17.11.100 Amendment of Sections 17.11.060 and 17.11.090.

17.11.130 Maximum height.

17.11.150 Maximum impervious surface.

17.11.170 Other zoning provisions.

### **17.11.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the OS Open Space Zzone Regulations. The OS Zzone is intended to create, preserve, and enhance land for permanent open space to meet the active and passive recreational needs of Oakland residents and to promote park uses which are compatible with surrounding land uses and the city's natural environment. The zone is typically appropriate in areas of public open space only. The following regulations shall apply in the OS Zzone.

(Ord. 12078 § 3 (part), 1998)

### **17.11.030 Activities and facilities deemed approved or legal nonconforming.**

All activities and facilities that are existing or have been legally approved on the effective date of the ordinance codified in this Chapter shall be deemed approved, provided that they appear in the list of conditionally permitted uses in Sections 17.11.050, 17.11.060 and 17.11.090. These activities and facilities shall not be subject to the provisions of Chapter 17.114 on nonconforming uses. Those existing activities and facilities that are not listed as conditionally permitted uses in Sections 17.11.050, 17.11.060 and 17.11.090 shall be deemed legal nonconforming uses and shall be subject to the provisions of Chapter 17.114.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12078 § 3 (part), 1998)

### **17.11.050 Conditionally permitted activities.**

The following activities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in 17.11.060, may be permitted upon the granting of a conditional use permit pursuant to the



conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS Zzone at Chapter 17.135, subject to the special definitions for projects in the Open Space Zzone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

**17.11.060 Special provisions for permitted and conditionally permitted activities in the OS Zzone.**

The following table shall apply to those activities that are permitted and conditionally permitted within the OS Zzone. The specified activities shall only be permitted or conditionally permitted in the types of parks indicated in the table. Permitted activities are noted with the letter "P." Uses requiring a minor conditional use permit are indicated with a star. Uses requiring a major conditional use permit are indicated with a solid circle and star [solid diamond]. In the event that no letter or symbol appears in the matrix cell, the use is not permitted.

**17.11.080 Conditionally permitted facilities.**

The following facilities, as described in the use classifications at Chapter 17.10, and as further restricted to certain park and open space categories and specific uses as set forth in Section 17.11.090, may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure at Chapter 17.134 and the special use permit procedure for the OS Zzone at Chapter 17.135, subject to the special definitions for projects in the Open Space Zzone at Section 17.09.050 and the use permit criteria at Section 17.11.110:

- A. Residential Facilities:
  - One-Family Dwelling
- B. Nonresidential Facilities:
  - Enclosed
  - Open
- C. Telecommunications Facilities:
  - Mini Telecommunications
  - Micro Telecommunications
  - Macro Telecommunications
  - Monopole Telecommunications

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12350 § 3 (part), 2001; Ord. 12078 § 3 (part), 1998)

**17.11.090 Special provisions for permitted and conditionally permitted facilities, and facilities allowed by variance in the OS Zzone.**

- A. Business and Advertising Signs. Business and Advertising Signs are allowed only when a City agency enters into an agreement with a private enterprise to enhance public park facilities and/or programs, and the private enterprise is a principal provider of cash and/or in-kind contribution toward the enhancements. Such Ssigns will refer either to the name of

OAKLAND

the donor company and/or products for sale on site. The size and content of such Ssigns is further limited to the following:

1. No signage may advertise alcohol, tobacco, drugs, pharmaceuticals or firearms.
2. Signage may only advertise products sold on-site or show the name of a private enterprise acting as a principal provider as a part of an agreement with a City agency.
3. Signs shall generally be consistent with the limitations established for Business and Advertising Signs in Chapter 17.104, but some departure from these requirements may be considered on a case-by-case basis.

B. The following table shall apply to certain classes of facilities that are permitted and conditionally permitted within the OS Zzone. The specified facilities shall only be permitted or conditionally permitted in the types of parks indicated in the table. Permitted activities are noted with the letter "P." Uses requiring a minor conditional use permit are indicated with a star. Uses requiring a major conditional use permit are indicated with a solid circle and star [solid diamond]. In the event that no letter or symbol appears in the matrix cell, the use is not permitted.

USE/PARK TYPE	RSP	CP	NP	AMP	PMP	LP	SU	RCA	AF
<p><i>Legend:</i></p> <p>◆ = Requires Major Conditional Use Permit                      * = Requires Minor Conditional Use Permit</p> <p><i>RSP (Region-Seeing Park); CP (Community Park); NP (Neighborhood Park); Active Mini-Park (AMP); Passive Mini-Park (PMP); Linear Park (LP); Special Use Park (SU); Resource Conservation Area (RCA); Athletic Field Park (AF)</i></p>									
<b>FACILITY TYPES</b>									
<b>ONE-FAMILY RESIDENCE</b>									
Caretaker's Quarters	*	*	*			*	*		*
<b>TELECOMMUNICATIONS FACILITIES</b>									
Mini <u>T</u> elecommunications	◆	◆	◆	◆	◆	◆	◆	◆	◆
Micro <u>T</u> elecommunications	◆	◆	◆	◆	◆	◆	◆	◆	◆
Macro <u>T</u> elecommunications	*	*	*	*	*	*	*	*	*
Monopole <u>T</u> elecommunications	*	*	*	*	*	*	*	*	*
Lattice-Tower <u>T</u> elecommunications									
<b>SIGNS</b>									
Residential	◆	◆	◆	◆	◆	◆	◆	◆	◆
Special	◆	◆	◆	◆	◆	◆	◆	◆	◆
Civic	◆	◆	◆	◆	◆	◆	◆	◆	◆
Business*	◆	◆	◆	◆	◆	◆	◆		◆

OAKLAND

Advertising*	◆	◆	◆	◆	◆	◆	◆		◆
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\* Limited to the circumstances outlined in 17.11.090A.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12350 § 3 (part), 2001; Ord. 12078 § 3 (part), 1998)

**17.11.100 Amendment of Sections 17.11.060 and 17.11.090.**

Pursuant to Section 17.10.090, any activity or facility which is not expressly classified in Sections 17.11.060 and 17.11.090 shall be included in that category which most closely portrays it. In the event a use cannot be classified into an existing category, Sections 17.11.060 and 17.11.090 may be modified to establish a classification for said use, subject to the right of appeal from such determination pursuant to the administrative appeal procedure at Chapter 17.132. Any other changes to the text of the OS Zzone shall be subject to the rezoning and law change procedure at Chapter 17.144.

(Ord. 12078 § 3 (part), 1998)

**17.11.130 Maximum height.**

- A. General. Except as otherwise provided in Sections 17.108.020 and 17.108.030, the maximum height of buildings and other facilities shall be thirty-five (35) feet in parks classified as RCA, NP, AMP, PMP, or LP, and forty-five (45) feet in parks classified as RSP, CP, or AF. No general maximum height limit is prescribed for Special Use Parks.
- B. Height Restrictions Along More Restrictive Zone Boundary. Where the OS Zzone abuts a zone with a more restrictive height limit, the maximum height of buildings and other facilities shall not exceed the maximum height of the abutting zone unless each portion above that height is set back from the minimum yard required by Section 17.11.140 a minimum horizontal distance equal to two (2) feet for each one (1) foot by which it extends above such maximum height. This requirement shall apply at the property line in the event that no minimum yard is required in the abutting district.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12078 § 3 (part), 1998)

**17.11.150 Maximum impervious surface.**

The following table sets forth the maximum permitted impervious surface standards, as defined in Section 17.09.050. Exceedances of the Impervious Surface limits shall require a Minor Variance, as specified in Section 17.148.020(B).

Park Acreage	Maximum % Impervious Surface
Plazas and Active Mini-Parks	No limit
Passive Mini-Parks	10%
Resource	One percent (1%) of total park area or <u>two thousand five hundred (2,500)</u> square

OAKLAND

Conservation Areas	feet, whichever is smaller, excluding parking areas which meet requirements in Section 17.116.260 for "durable, dustless, all-weather surface parking"
All other park classes	
Less than 1.0 acre	35%
1.0—5.0 acres	25%
5.0—10.0 acres	15%
Greater than 10.0 acres	10%

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12078 § 3 (part), 1998)

**17.11.170 Other zoning provisions.**

A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements at Chapter 17.116, except that reduced parking requirements may be allowed by the Director of City Planning through the conditional use permit procedure required by Sections 17.11.050, 17.11.060 and 17.11.090 for activities and facilities in either of the following instances:

1. The project's primary service area is one-quarter mile or less; or,
2. A portion of the project's parking demand is to be met through reciprocal agreements for shared parking on the same site or an adjacent site or sites.

In both cases, the extent of the reduction shall be determined by the Director of City Planning pursuant to Section 17.116.040.

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

C. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations at Chapter 17.114.

D. **General Provisions.** Unless otherwise indicated, the general exceptions and other regulations set forth in Chapter 17.102 shall apply in the OS Zzone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12884 § 2 (part), 2008; Ord. 12078 § 3 (part), 1998)

**Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS****Sections:**

- 17.13.010 Title, intent, and description.
- 17.13.030 Permitted and conditionally permitted activities.
- 17.13.040 Permitted and conditionally permitted facilities.
- 17.13.050 Property development standards.
- 17.13.060 Special regulations for Planned Unit Developments.
- 17.13.070 Other zoning provisions.

**17.13.010 Title, intent, and description.**

- A. Title and Intent. The provisions of this Chapter shall be known as the RH Hillside Residential (RH) Regulations. The intent of the Hillside Residential (RH) Zones regulations is to create, maintain, and enhance residential areas that are primarily characterized by detached, single unit structures on hillside lots.
- B. Description of Zones. This Chapter establishes land use regulations for the following four (4) zones:
  1. **RH-1 Hillside Residential - 1 Zone, -1-** The intent of the RH-1 Zzone is to create, maintain, and enhance areas for single-family living on lots of one acre or more, and is appropriate in portions of the Oakland Hills.
  2. **RH-2 Hillside Residential - 2 Zone, -2-** The intent of the RH-2 Zone is to create, maintain, and enhance areas for single-family living on lots of at least twenty-five thousand (25,000) square feet, and is appropriate in portions of the Oakland Hills.
  3. **RH-3 Hillside Residential - 3 Zone, -3-** The intent of the RH-3 Zone is to create, maintain, and enhance areas for single-family dwellings on lots of at least twelve thousand (12,000) square feet and is appropriate in portions of the Oakland Hills.
  4. **RH-4 Hillside Residential - 4 Zone, -4-** The intent of the RH-4 Zone is to create, maintain, and enhance areas for single-family dwellings on lots of six thousand five hundred (6,500) to eight thousand (8,000) square feet and is typically appropriate in already developed areas of the Oakland Hills.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.13.030 Permitted and conditionally permitted activities.**

Table 17.13.01 lists the permitted, conditionally permitted, and prohibited activities in the RH Zzones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

OAKLAND

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

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

**Table 17.13.01: Permitted and Conditionally Permitted Activities**

Activities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Residential Activities</b>					
Permanent	P	P	P	P	
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
<del>Service-Enriched Permanent</del> <u>Supportive Housing</u>	<u>P—</u>	<u>P—</u>	<u>P—</u>	<u>P—</u>	
Transitional Housing	<u>P—</u>	<u>P—</u>	<u>P—</u>	<u>P—</u>	
Emergency Shelter	—	—	—	—	
Semi-Transient	—	—	—	—	
Bed and Breakfast	—	—	—	—	
<b>Civic Activities</b>					
Essential Service	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	
Community Assembly	C	C	C	C	
Recreational Assembly	C	C	C	C	
Community Education	C	C	C	C	
Nonassembly Cultural	C	C	C	C	
Administrative	C	C	C	C	
Health Care	—	—	—	—	
Special Health Care	—	—	—	—	
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
<b>Commercial Activities (all)</b>	—	—	—	—	
<b>Industrial Activities (all)</b>	—	—	—	—	
<b>Agriculture and Extractive Activities</b>					
Limited Agriculture	P(L2)	P(L2)	P(L2)	P(L2)	
Extensive Agriculture	C(L3)	C(L3)	C(L3)	C(L3)	
Plant Nursery	C	C	C	C	
Mining and Quarrying	—	—	—	—	

OAKLAND

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

**Limitations on Table 17.13.01:**

L1. Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

~~L1. Residential Care is only permitted in a One-Family Dwelling Residential Facility. No State-licensed residential care facility shall be located closer than three hundred (300) feet from any other State-licensed residential care facility or Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity. See Section 17.103.010 for other regulations regarding these activities.~~

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.13.040 Permitted and conditionally permitted facilities.**

Table 17.13.02 lists the permitted, conditionally permitted, and prohibited facilities in the RH Zones. The descriptions of these facilities are contained in Chapter 17.10. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.13.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Residential Facilities</b>					
One-Family Dwelling	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	17.103.080
Two-Family Dwelling	—	—	—	—	
Multifamily Dwelling	—	—	—	—	

OAKLAND

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Rooming House	—	—	—	—	
Mobile Home	—	—	—	—	
<b>Nonresidential Facilities</b>					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	P	P	P	P	
Sidewalk Cafe	—	—	—	—	
Drive-In Nonresidential	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	
<b>Telecommunications Facilities</b>					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C(L1)	C(L1)	C(L1)	C(L1)	17.128
Tower Telecommunications	—	—	—	—	17.128
<b>Sign Facilities</b>					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	—	—	—	—	17.104
Advertising Signs	—	—	—	—	17.104

**Limitations on Table 17.13.01:**

**L1.** Monopole Telecommunications Facilities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, the proposal must meet the following use permit criterion:

1. There is no existing structure that can accommodate the proposed antenna.

To meet this criterion, the applicant must provide a site alternative plan that demonstrates that there is no existing structure that can accommodate the antenna.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)



**17.13.050 Property development standards.**

A. **Zone Specific Standards.** Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

**Table 17.13.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Minimum Lot Dimensions</b>					
Lot Width mean	100 ft <sub>2</sub>	100 ft <sub>2</sub>	90 ft <sub>2</sub>	45 ft <sub>2</sub>	1
Frontage	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	1
Lot area	43,560 sf <sub>2</sub>	25,000 sf <sub>2</sub>	12,000 sf <sub>2</sub>	6,500 sf <sub>2</sub> or 8,000 sf	1, 2, 3
<b>Maximum Density</b>	1 primary <u>dwelling</u> unit per lot				4
<b>Minimum Setbacks</b>					
Minimum front (≤20% street-to-setback gradient)	25 ft <sub>2</sub>	25 ft <sub>2</sub>	20 ft <sub>2</sub>	20 ft <sub>2</sub>	5, 6
Minimum front (>20% street-to-setback gradient)	5 ft <sub>2</sub>	5 ft <sub>2</sub>	5 ft <sub>2</sub>	5 ft <sub>2</sub>	5, 6, 7
Minimum interior side ≤20% footprint slope	6 ft <sub>2</sub> /15%	6 ft <sub>2</sub> /15%	6 ft <sub>2</sub> /10%	5 ft <sub>2</sub>	8, 9
Minimum interior side >20% footprint slope	6 ft <sub>2</sub> /15%	6 ft <sub>2</sub> /15%	6 ft <sub>2</sub> /10%	5 ft <sub>2</sub> /10%	8, 9
Minimum street side	6 ft <sub>2</sub>	6 ft <sub>2</sub>	6 ft <sub>2</sub>	5 ft <sub>2</sub>	5, 10
Rear	35 ft <sub>2</sub>	35 ft <sub>2</sub>	25 ft <sub>2</sub>	20 ft <sub>2</sub>	7, 10, 11
<b>Maximum Lot Coverage and Floor Area Ratio (FAR)</b>	See Table 17.13.04				
<b>Height Regulations for All Lots with a Footprint Slope of ≤20%</b>					
Maximum wall height primary building	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	13, 14
Maximum pitched roof height primary building	30 ft <sub>2</sub>	30 ft <sub>2</sub>	30 ft <sub>2</sub>	30 ft <sub>2</sub>	13, 14
Maximum height for accessory structures	15 ft <sub>2</sub>	15 ft <sub>2</sub>	15 ft <sub>2</sub>	15 ft <sub>2</sub>	13, 14

OAKLAND

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Height Regulations for all Lots with a Footprint Slope of &gt;20%</b>	See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%				
<b>Maximum Wall Length Before Articulation Required</b>	40 ft.	40 ft.	40 ft.	40 ft.	15
<b>Minimum Parking</b>					
Minimum parking spaces required per <u>Primary U</u> nit	2	2	2	2	16
Additional parking spaces required for <u>S</u> secondary <u>U</u> nit	1	1	1	1	16, 17

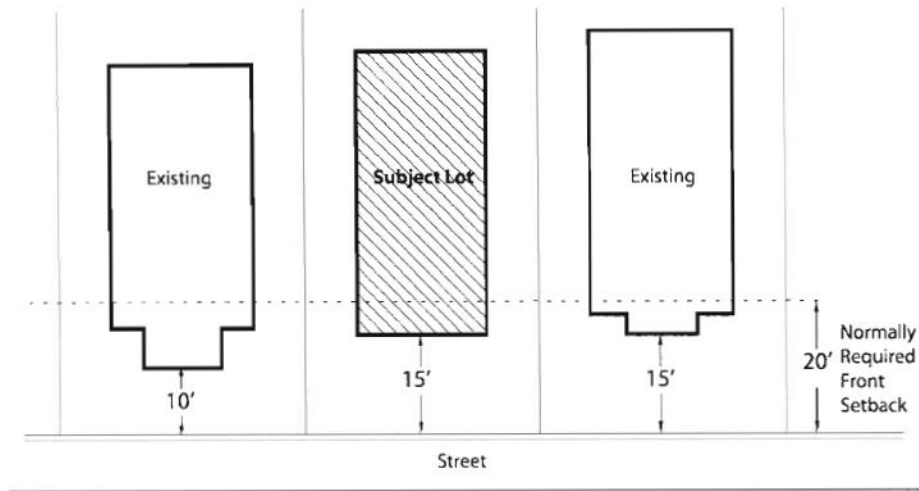
**Additional Regulations for Table 17.13.03:**

4. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.
5. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:
  - a. Roadway construction or widening;
  - b. Sidewalk construction or widening; and
  - c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

6. In the RH-4 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principle Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principle Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principle may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.13.03, [Additional Regulation 65], below). Also, see Section 17.108.130 for allowed projections into setbacks.

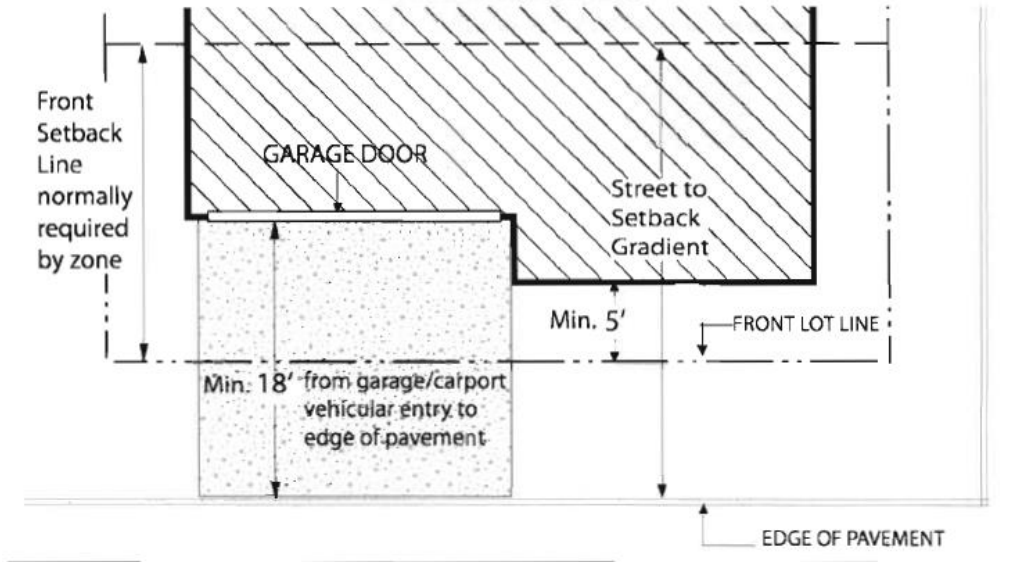
Illustration for Table 17.13.03 [Additional Regulation 65  
\*for illustration purposes only



7. The minimum front setback depth required by the applicable individual zone shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.13.03, [Additional Regulation 76], below). See Section 17.108.130 for allowed projections into setbacks.

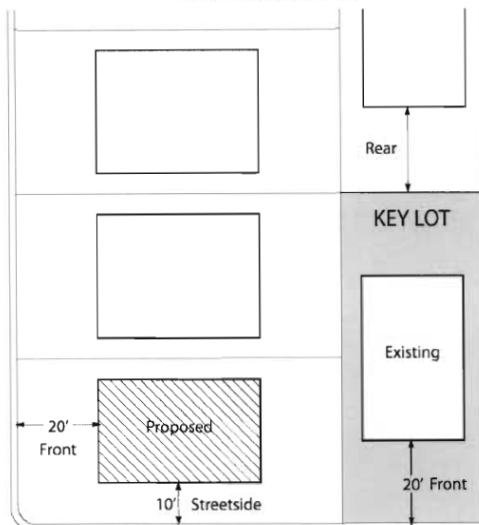
Illustration for Table 17.13.03 [Additional Regulation 76  
\*for illustration purposes only

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10. In all Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ( $\frac{1}{2}$ ) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.13.03. [Additional Regulation 109], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.13.03 [Additional Regulation 109]  
\*for illustration purposes only



15. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk and context standards.

17. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.103.080.

C. **Height.** Table 17.13.05 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified footprint slope category.

**Table 17.13.05 Height Regulations for all Lots with a Footprint Slope of >20%**

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	>20% and ≤40%	>40% and ≤60%	>60%	>20%	
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height Primary Building	36 ft.	38 ft.	40 ft.	35 ft.	1, 2
Maximum Height Above Edge of Pavement	18 ft.	18 ft.	18 ft.	N/A	1
Maximum Height Above the Ground Elevation at the Rear Setback Line	N/A	N/A	N/A	24 ft.	1
Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line	N/A	N/A	N/A	24 ft.	1, 3

**Additional Regulations for Table 17.13.05:**

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

2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:

OAKLAND

- a.** Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
- b.** Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
- c.** Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs.

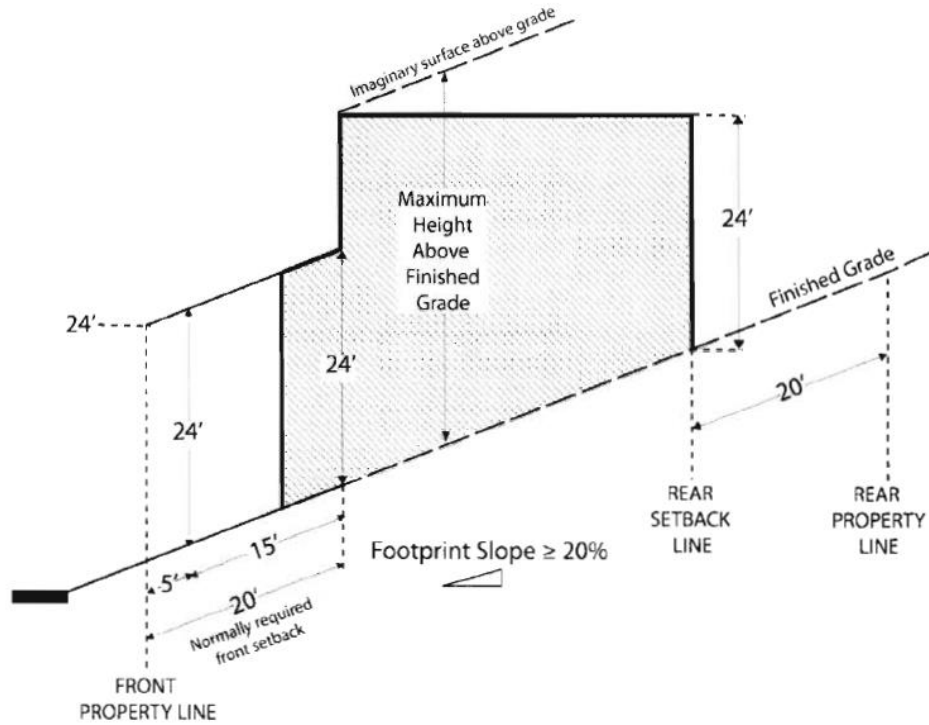
See Illustration for Table 17.13.05 [Additional Regulation 2], below.

- 3.** The building height is measured from finished or existing grade, whichever is lower.

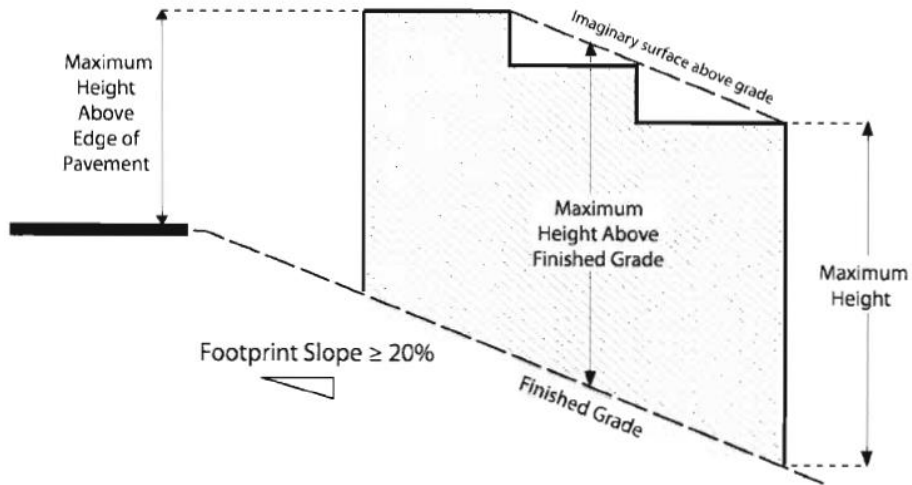
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Illustration for Table 17.13.05 [Additional Regulation 2]  
\*for illustration purposes only

Upslope



Downslope



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

**Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RH zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.13.070 Other zoning provisions.**

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RH Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RH Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RH Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)



**Chapter 17.15 RD DETACHED UNIT RESIDENTIAL ZONES REGULATIONS**

**Sections:**

- 17.15.010 Title, intent, and description.
- 17.15.030 Permitted and conditionally permitted activities.
- 17.15.040 Permitted and conditionally permitted facilities.
- 17.15.050 Property development standards.
- 17.15.060 Special regulations for mini-lot and Planned Unit Developments.
- 17.15.070 Other zoning provisions.

**17.15.010 Title, intent, and description.**

- A. Title and Intent. The provisions of this Chapter shall be known as the RD Detached Unit Residential (RD) Regulations. The intent of the Detached Unit Residential (RD) Zones regulations is to create, maintain, and enhance residential areas primarily characterized by detached, single-unit structures.
- B. Description of Zones. This Chapter establishes land use regulations for the following two (2) zones:
  - 1. **RD-1 Detached Unit Residential - 1 Zone. -1-** The intent of the RD-1 Zzone is to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing Nnon-residential Ffacilities.
  - 2. **RD-2 Detached Unit Residential - 2 Zone. -2-** The intent of the RD-2 Zzone is to create, maintain, and enhance areas with detached, single unit structures, with allowances for Ttwo-Ffamily structures on lots larger than six thousand (6,000) square feet. A limited number of commercial uses will be permitted or conditionally permitted in existing Nnon-residential Ffacilities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.15.030 Permitted and conditionally permitted activities.**

Table 17.15.01 lists the permitted, conditionally permitted, and prohibited activities in the RD Zzones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.15.01: Permitted and Conditionally Permitted Activities**

OAKLAND

Activities	Zones		Additional Regulations
	RD-1	RD-2	
<b>Residential Activities</b>			
Permanent	P_(L1)	P_(L1)	17.103.010
Residential Care	P(L1)	P(L1)	17.103.010
<del>Service-Enriched Permanent</del> <u>Supportive Housing</u>	<u>P_—</u>	<u>P_—</u>	17.103.010
Transitional Housing	P_—	P_—	17.103.010
Emergency Shelter	—	—	
Semi-Transient	—	—	
Bed and Breakfast	C	C	17.10.125
<b>Civic Activities</b>			
Essential Service	P	P	
Limited Child-Care Activities	P	P	
Community Assembly	C	C	
Recreational Assembly	C	C	
Community Education	C	C	
Nonassembly Cultural	C	C	
Administrative	C	C	
Health Care	—	—	
Special Health Care	—	—	
Utility and Vehicular	C	C	
Extensive Impact	C	C	
<b>Commercial Activities</b>			
General Food Sales	C(L2)(L3)	C(L2)(L3)	
Full Service Restaurants	C(L2)(L3)	C(L2)(L3)	
Limited Service Restaurant and Cafe	C(L2)(L3)	C(L2)(L3)	
Fast-Food Restaurant	—	—	
Convenience Market	—	—	
Alcoholic Beverage Sales	—(L4)	—(L4)	
Mechanical or Electronic Games	—	—	
Medical Service	—	—	
General Retail Sales	C(L2)(L3)	C(L2)(L3)	
Large-Scale Combined Retail and Grocery Sales	—	—	

OAKLAND

Activities	Zones		Additional Regulations
	RD-1	RD-2	
Consumer Service	—	—	
Consultative and Financial Service	—	—	
Check Cashier and Check Cashing	—	—	
Consumer Cleaning and Repair Service	—	—	
Consumer Dry Cleaning Plant	—	—	
Group Assembly	—	—	
Personal Instruction and Improvement Services	—	—	
Administrative	P(L3)(L5)	P(L3)(L5)	
Business, Communication, and Media Services	—	—	
Broadcasting and Recording Services Commercial Activities	—	—	
Research Service	—	—	
General Wholesale Sales	—	—	
Transient Habitation	—	—	
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	—	—	
Animal Boarding	—	—	
Animal Care	—	—	
Undertaking Service	—	—	
<b>Industrial Activities (all)</b>	—		
<b>Agriculture and Extractive Activities</b>			
Limited Agriculture	P(L6)	P(L6)	
Extensive Agriculture	C(L7)	C(L7)	
Plant Nursery	C	C	
Mining and Quarrying	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	17.102.110

**Limitations on Table 17.15.01:**

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

L1. Residential Care is only permitted in a One-Family Dwelling Residential Facility. No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

L2. These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior the effective date of this Chapter (April 14, 2011), and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L3. The overall outside dimensions of an existing Nonresidential Facility built prior to the effective date of this Chapter (April 14, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L5. These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior to the effective date of this Chapter (April 14, 2011), and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor Nonresidential Facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

**17.15.040 Permitted and conditionally permitted facilities.**

Table 17.15.02 lists the permitted, conditionally permitted, and prohibited facilities in the RD Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.15.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	RD-1	RD-2	
<b>Residential Facilities</b>			
One-Family Dwelling	P	P	

OAKLAND

Facilities	Zones		Additional Regulations
	RD-1	RD-2	
One-Family Dwelling with Secondary Unit	P	P	17.103.080
Two-Family Dwelling	—	C(L1)	
Multifamily Dwelling	—	—	
Rooming House	—	—	
Mobile Home	—	—	
<b>Nonresidential Facilities</b>			
Enclosed Nonresidential	P	P	
Open Nonresidential	P	P	
Sidewalk Cafe	P(L2)	P(L2)	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
<b>Telecommunications Facilities</b>			
Micro Telecommunications	C	C	17.128
Mini Telecommunications	C	C	17.128
Macro Telecommunications	C	C	17.128
Monopole Telecommunications	C	C	17.128
Tower Telecommunications	—	—	17.128
<b>Sign Facilities</b>			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P(L3)	P(L3)	17.104
Advertising Signs	—	—	17.104

**Limitations on Table 17.15.02:**

**L1.** See Table 17.15.03, Property Development Standards, for additional regulations on this conditionally permitted density.

**L2.** Sidewalk cafes are allowed only as an accessory facility to an already approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more

than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

**L3.** Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed 100 square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.

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

**17.15.050 Property development standards.**

A. Zone Specific Standards. Table 17.15.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" "N/A" indicates that a standard is not required-applicable in the specified zone.

**Table 17.15.03: Property Development Standards**

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
<b>Minimum Lot Dimensions</b>			
Lot Width mean	45 ft <sub>2</sub>	45 ft <sub>2</sub>	1
Frontage	25 ft <sub>2</sub>	25 ft <sub>2</sub>	1
Lot area	5,000 sf <sub>2</sub>	5,000 sf <sub>2</sub>	1, 2
<b>Maximum Density</b>			
Permitted density	1 primary <u>dwelling</u> unit per lot	1 primary <u>dwelling</u> unit per lot	3, 4
Conditionally permitted density	<u>N/A</u> —	2 units on lots 6,000 sf or greater	3, 5
<b>Minimum Setbacks</b>			
Minimum front (≤20% street-to-setback gradient)	20 ft <sub>2</sub>	20 ft <sub>2</sub>	6
Minimum front (>20% street-to-setback gradient)	5 ft <sub>2</sub>	5 ft <sub>2</sub>	6, 7, 8

OAKLAND

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum interior side $\leq$ 20% footprint slope	5 ft.	5 ft.	9, 10
Minimum interior side $>$ 20% footprint slope	5 ft./10%	5 ft.	9, 10, 11
Minimum street side	5 ft.	5 ft.	8, 9, 12
Rear	20 ft.	15 ft.	9, 13, 14
<b>Reduced Side and Rear Setbacks for Smaller Lots</b>	See Table 17.15.04 for <u>reduced</u> setbacks for smaller lots		
<b>Floor Area Ratio (FAR) and Lot Coverage</b>	See Table 17.15.05		
<b>Height Regulations for All Lots with a Footprint Slope of <math>&lt;</math>20%</b>			
Maximum wall height primary building	25 ft.	25 ft.	14, 16
Maximum pitched roof height primary building	30 ft.	30 ft.	14, 16
Maximum height for accessory structures	15 ft.	15 ft.	14, 16
<b>Height Regulations for all Lots with a Footprint Slope of <math>&gt;</math>20%</b>	See Table 17.15.06 for Height regulations for all lots with a footprint slope of $>$ 20%		
<b>Maximum Wall Length Before Articulation Required</b>	40 ft.	40 ft.	17
<b>Minimum Parking</b>			
Minimum parking spaces required per <u>Primary U</u> nit	2	1.5	18
Additional parking spaces required for <u>S</u> econdary <u>U</u> nit	1	1	18, 19
<b>Minimum Open Space</b>			
Group open space per <u>Primary U</u> nit	N/A	300 sf	20
Group open space per <u>Primary U</u> nit when private open space substituted	N/A	100 sf	20

**Additional Regulations for Table 17.15.03:**

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean and street frontage regulations.
2. See Subsection 16.16.170.F in the Subdivision regulations for additional regulations regarding minimum lot area.

## OAKLAND

3. 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 (5) or more bedrooms.

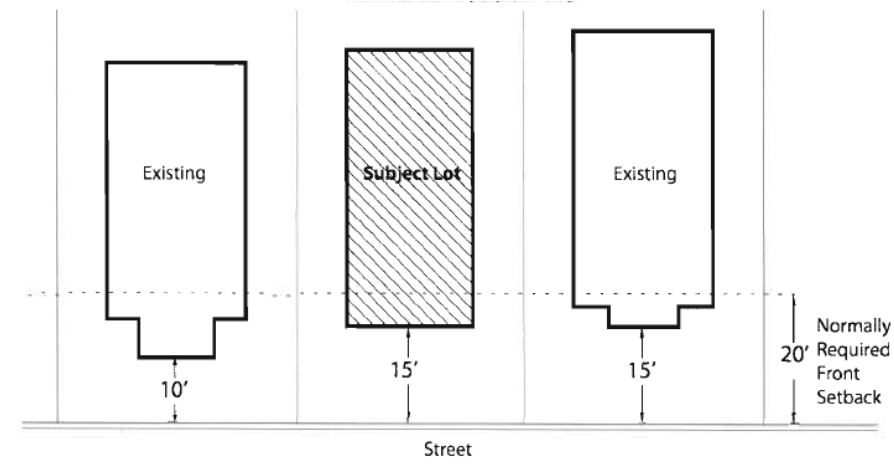
4. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080.

5. A minimum lot size of six thousand (6,000) square feet is required in order to apply for a conditional use permit for a second primary dwelling unit in the RD-2 Zone. A conditional use permit for a Two-Family Dwelling Residential Facility or for two (2) primary dwelling units on a lot may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional use Permit (CUP) procedure in Chapter 17.134 and to all of the following additional use permit criteria:

6. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) foot front setback (see Illustration for Table 17.15.03 [Additional Regulation 6], below).

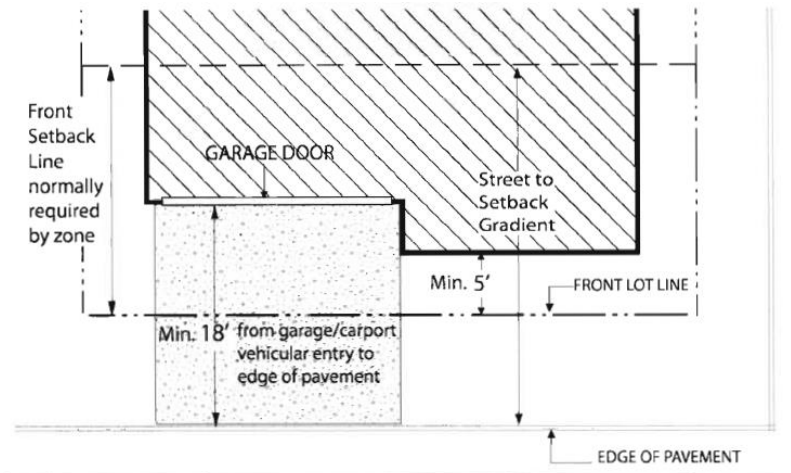


Illustration for Table 17.15.03 [Additional Regulation 6]  
 \*for illustration purposes only



7. In all Detached Residential Zones, the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.15.03 [Additional Regulation 7], below. See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.15.03 [Additional Regulation 7]  
 \*for illustration purposes only



8. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:

- a. Roadway construction or widening;

b. Sidewalk construction or widening; and

c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

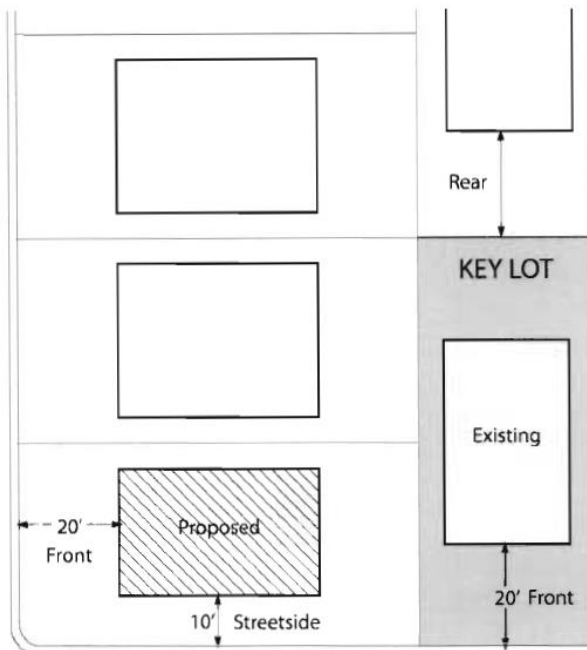
9. See Table 17.15.04 for ~~additional reduced side, and rear setbacks~~ for smaller lots, ~~Table 17.15.04~~. See Section 17.108.130 for allowed projections into setbacks.

10. See Section 17.108.080 for the required interior side and rear setback on a lot containing two (2) or more living units and opposite a legally-required living room window.

11. For the RD-1 Zone, the minimum interior side setback is the greater of the two (2) listed setbacks, either five (5) feet or ten percent (10%) of the lot width, whichever is greater.

12. In all Residential Zones, on every corner lot which abuts to the rear a key lot which is in a Residential Zone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ( $\frac{1}{2}$ ) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130 (see Illustration for Table 17.15.03 [Additional Regulation 124], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

Illustration for Table 17.15.03 [Additional Regulation 124]  
\*for illustration purposes only



**13.** Wherever a rear lot line abuts an alley, one-half ( $\frac{1}{2}$ ) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

**14.** In the RD-1 Zone, for lots which abut an adjoining rear setback, the minimum rear setback depth shall be increased by an additional one-half ( $\frac{1}{2}$ ) foot of rear setback depth for each additional one (1) foot of lot depth over one hundred (100) feet, up to a maximum rear setback depth of forty (40) feet.

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

**16.** If at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.

**17.** If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk regulations and context standards.

18. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapter 17.92 and Chapter 17.94.

19. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.103.080.

20. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. **Reduced Setbacks for Smaller Lots.** Table 17.15.04 below prescribes reduced setback standards for lots less than four thousand (4,000) square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.15.04 Reduced Setbacks for Smaller Lots**

Regulation	Lot Size		Additional Regulations
	≤ 4,000 sf or < 40 feet wide	≤ 3,000 sf or < 35 feet wide	
<b>Minimum Setbacks</b>			
Minimum interior side	4 ft.	3 ft.	1
Minimum street side	4 ft.	3 ft.	1
Rear	15 ft.	15 ft.	1

**Additional Regulations for Table 17.15.04:**

1. See Section 17.108.130 for allowed projections into setbacks.

D. **Height.** Table 17.15.06 below prescribes height standards associated with different sloped lots. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified footprint slope category.

**Table 17.15.06 Height Regulations for all Lots with a Footprint Slope of >20%**

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	>20% and <40%	>40% and <60%	>60%	>20%	
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2

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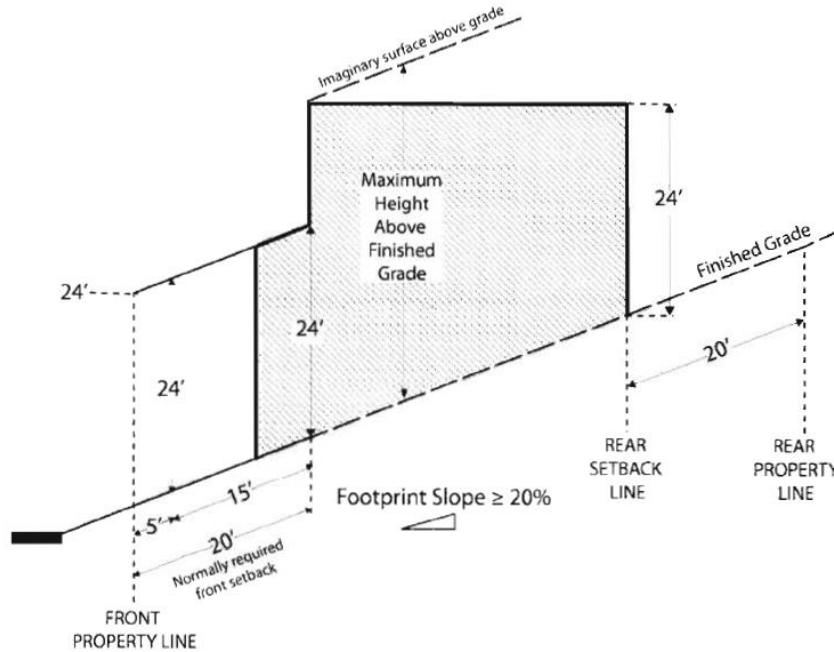
<b>Maximum Wall Height Primary Building with a CUP</b>	36 ft.	38 ft.	40 ft.	35 ft.	1
<b>Maximum Pitched Roof Height Primary Building</b>	36 ft.	38 ft.	40 ft.	35 ft.	1, 2
<b>Maximum Height Above Edge of Pavement</b>	18 ft.	18 ft.	18 ft.	N/A	1
<b>Maximum Height Above the Ground Elevation at the Rear Setback Line</b>	N/A	N/A	N/A	24 ft.	1
<b>Maximum Height from Finished or Existing Grade (whichever is greater) Within 20' of the Front Property Line</b>	N/A	N/A	N/A	24 ft.	1, 3

**Additional Regulations for Table 17.15.06:**

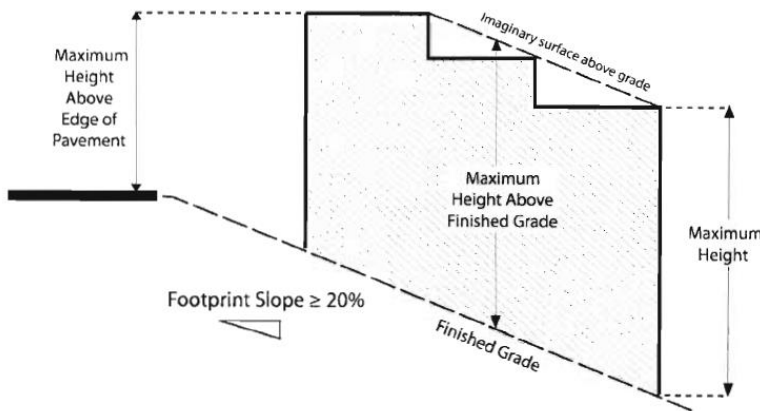
1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
  - a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
  - b. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
  - c. Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof and twelve (12) feet for pitched roofs (see Illustration for Table 17.15.06 [Additional Regulation 2], below).
3. The building height is measured from finished or existing grade, whichever is lower.

Illustration for Table 17.15.06 [Additional Regulation 2]  
 \*for illustration purposes only

Upslope



Downslope



(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.15.060 Special regulations for Mmini-Llot and Pplanned Uunit Ddevelopments.**

- A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain regulations that otherwise apply to individual lots in the RD-1 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RD RH Zzones, and certain

of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.15.070 Other zoning provisions.**

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RD Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RD Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RD Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS****Sections:**

17.17.010 Title, intent, and description.

17.17.030 Permitted and conditionally permitted activities.

17.17.040 Permitted and conditionally permitted facilities.

17.17.050 Property development standards.

17.17.060 Special regulations for mini-lot and ~~P~~planned ~~U~~unit ~~D~~developments.

17.17.070 Other zoning provisions.

**17.17.010 Title, intent, and description.**

- A. Title and Intent. The provisions of this Chapter shall be known as the RM Mixed Housing Type Residential (RM) Regulations. The intent of the Mixed Housing Type Residential (RM) Zones regulations is to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
- B. Description of Primary Zones. This Chapter establishes land use regulations for the following four (4) primary zones:
1. **RM-1 Mixed Housing Type Residential - 1 Zone. -1.** The intent of the RM-1 Zzone is to create, maintain, and enhance residential areas characterized by a mix of single family homes and duplexes, and neighborhood businesses where appropriate.
  2. **RM-2 Mixed Housing Type Residential - 2 Zone. -2.** The intent of the RM-2 Zzone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
  3. **RM-3 Mixed Housing Type Residential - 3 Zone. -3.** The intent of the RM-3 Zzone is to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate.
  4. **RM-4 Mixed Housing Type Residential - 4 Zone. -4.** The intent of the RM-4 Zzone is to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate.
- C. Description of Combining Zone. This Chapter establishes land use regulations for the following combining zone:
1. **C Residential Commercial Combining Zone.** The intent of the C Combining Zzone is to allow for expanded commercial uses, as well as new commercial uses within certain areas of the Mixed Housing Type Residential (RM) Zzones. When an above primary zone is combined with the C Combining Zzone, the C Residential Commercial Combining Zone permitted uses supersede those of the primary zone.



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(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.17.030 Permitted and conditionally permitted activities.**

Table 17.17.01 lists the permitted, conditionally permitted, and prohibited activities in the RM Zzones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.17.01: Permitted and Conditionally Permitted Activities**

Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
<b>Residential Activities</b>						
Permanent	P_(L1)	P_(L1)	P_(L1)	P_(L1)	P_(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Service-Enriched Permanent Supportive Housing	P_C(L1)	P_C(L1)	P_C(L1)	P_C(L1)	P_C(L1)	17.103.010
Transitional Housing	P_C(L1)	P_C(L1)	P_C(L1)	P_C(L1)	P_C(L1)	17.103.010
Emergency Shelter	—	P-(L2)	—	—	—	
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	C	C	C	C	P	17.10.125
<b>Civic Activities</b>						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	C	C	C	C	C	
Community Education	C	C	C	C	C	
Nonassembly	C	C	C	C	C	

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Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
Cultural						
Administrative	C	C	C	C	C	
Health Care	C	C	C	C	C	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
<b>Commercial Activities</b>						
General Food Sales	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Full Service Restaurants	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Limited Service Restaurant and Cafe	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Fast-Food Restaurant	—	—	—	—	—	
Convenience Market	—	—	—	—	—	
Alcoholic Beverage Sales	—(L6)	—(L6)	—(L6)	—(L6)	—(L6)	
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L7)	
General Retail Sales	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L4)(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L7)	
Consultative and Financial Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	—	
Group Assembly	—	—	—	—	C(L7)(L8)	
Personal Instruction	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	P(L5)	

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Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
and Improvement Services						
Administrative	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L3)(L4)(L9)	P(L5)	
Business, Communication, and Media Services	—	—	C(L3)(L4)	C(L3)(L4)	P(L5)	
Broadcasting and Recording Services	—	—	—	—	—	
Commercial Activities	—	—	—	—	—	
Research Service	—	—	—	—	—	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	
Animal Care	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	
<b>Industrial Activities (all)</b>	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>						
Limited Agriculture	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	

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Activities	Primary Zones				Combining Zone*	Additional Regulations
	RM-1	RM-2	RM-3	RM-4		
Extensive Agriculture	C(L11)	C(L11)	C(L11)	C(L11)	C(L11)	
Plant Nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	—	—	—	—	—	17.116.075
<b>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	C	C	17.102.110

**Limitations on Table 17.17.01:**

\* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C Combining Zone, the C regulations supersede the base zone.

**L1.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

~~**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

**L2.** Emergency Shelters are permitted by-right within that portion of the Martin Luther King Jr. Way corridor described in Section 17.103.015(A)(1) and subject to the development standards in Section 17.103.015(B).

**L3.** These activities may only be located in an existing ground floor of a Nonresidential Facility that was both built prior the effective date of this Chapter (April 14, 2011), and not originally used for a Civic Activity. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

**L4.** The overall outside dimensions of an existing Nonresidential Facility built prior to the effective date of this Chapter (April 14, 2011) devoted to this activity shall not be increased; and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

**L5.** These activities may only be located on the ground floor of an existing or new Nonresidential Facility and may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

**L6.** In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming Activity [in] Subsection 17.114.080.A.1.

**L7.** These activities may only be located on the ground floor of an existing or new Nonresidential Facility and the activity may only operate within the hours of 7:00 a.m. and 10:00 p.m.

**L8.** Adult Entertainment Activities are prohibited.

**L9.** These activities may only be located in an existing ground floor of a Nonresidential Facility that was ~~both~~ built prior to the effective date of this Chapter (April 15, 2011), ~~and not original used for a Civic Activity.~~ For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the ground floor Nonresidential Facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

**L10.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

**L11.** Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

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

**17.17.040 Permitted and conditionally permitted facilities.**

Table 17.17.02 lists the permitted, conditionally permitted, and prohibited facilities in the RM Zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

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"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.17.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
<b>Residential Facilities</b>						
One-Family Dwelling	P	P	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	P	P	17.103.080
Two-Family Dwelling	C(L1)	P	P	P	Same as underlying zone	
Multifamily Dwelling	—	C(L1)	C(L1)	P(L1)	Same as underlying zone	
Rooming House	—	—	—	—	—	
Mobile Home	—	—	—	—	—	
<b>Nonresidential Facilities</b>						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	P	P	P	P	C(L5)	
Sidewalk Cafe	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)	17.103.090
Drive-In Nonresidential	—	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	—	
<b>Telecommunications Facilities</b>						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
<b>Sign Facilities</b>						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104

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Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L3)	P(L3)	P(L3)	P(L3)	P(L4)	17.104
Advertising Signs	—	—	—	—	—	17.104

**Limitations on Table 17.17.02:**

\* If a base zone (RM-1, RM-2, RM-3, or RM-4) also has the C Combining Zzone, the C regulations supersede the base zone.

**L1.** See Table 17.17.03, Property Development Standards, for additional regulations on this density.

**L2.** Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

**L3.** Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, the maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed 100 square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.

**L4.** Business Signs are allowed in the C Combining Zzone, otherwise Section 17.104 applies. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of lot frontage in the case of an interior lot, or 0.5 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in 17.104.

**L5.** For RM Zones with the C Combining Zzone, no Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or

OAKLAND

special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

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

**17.17.050 Property development standards.**

A. Zone Specific Standards. Table 17.17.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone. "-" indicates that a standard is not required in the specified zone.

**Table 17.17.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
<b>Minimum Lot Dimensions</b>					
Lot Width mean	45 ft.	25 ft. / 45 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	5,000 sf.	2,500 sf. / 4,000 sf. / 5,000 sf.	4,000 sf.	4,000 sf.	1
<b>Maximum Density</b>					
Permitted density	1 primary unit per lot	1 primary unit on lots less than 4,000 sf.;  2 units on lots 4,000 sf. or greater	1 primary unit on lots less than 4,000 sf.;  2 units on lots 4,000 sf. or greater	1 primary unit on lots less than 4,000 sf.;  For 1 — 4 units, 1 unit per 1,100 sf. of lot area; only on lots 4,000 sf. or greater	2
Conditionally permitted density (only for lots 4,000 sf or greater)	2 units	For 3 or more units, 1 unit per 2,500 sf. of lot area	For 3 or more units, 1 unit per 1,500 sf. of lot area	For 5 or more units, 1 unit per 1,100 sf. of lot area;	2, 3
<b>Minimum Setbacks for Lots Equal to or Greater than Four Thousand (4,000) Square Feet</b>					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6
Minimum interior side	5 ft.	3 ft. / 4 ft. / 5	4 ft.	4 ft.	1, 7, 8, 9



OAKLAND

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
		ft.			
Minimum street side	5 ft.	3 ft. / 4 ft. / 5 ft.	4 ft.	4 ft.	1, 4, 7, 8, 10
Rear	15 ft.	15 ft.	15 ft.	15 ft.	11
<b>Reduced Side and Rear Setbacks for Smaller Lots (Less than Four Thousand (4,000)-Square Feet)</b>	See Table 17.17.04 for <u>reduced</u> setbacks for smaller lots				
<b>Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units</b>	See Table 17.17.05 for FAR and maximum lot coverage for 1 or 2 units				
<b>Maximum Lot Coverage for 3 or More Units</b>	N/A	40%	50%	N/A	
<b>Height Regulations for All Lots with a Footprint Slope of &lt;20%</b>					
Maximum wall height primary building	25 ft.	25 ft.	30 ft.	35 ft.	12, 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	35 ft.	12, 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	12
<b>Height Regulations for all Lots with a Footprint Slope of &gt; 20%</b>	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				
<b>Maximum Wall Length Before Articulation Required for all Lots with a Footprint Slope of &gt; 20%</b>	40 ft.	40 ft.	40 ft.	40 ft.	15
<b>Minimum Parking</b>					
Minimum parking spaces required per <u>regular</u> unit	1.5	1 / 1.5	1	1	16, 17
Additional parking spaces required for <u>S</u> secondary <u>U</u> nit	1	1	1	1	16, 18
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				
<b>Minimum Open Space</b>					

OAKLAND

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Group open space per regular unit	300 sf.	300 sf.	200 sf.	175 sf.	19
Group open space per regular unit when private open space substituted	100 sf.	100 sf.	85 sf.	70 sf.	19
<b>Courtyard Regulations</b>	See Section 17.108.120				

**Additional Regulations for Table 17.17.03:**

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width mean and street frontage regulations. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum lot width mean shall be reduced to twenty-five (25) feet and the minimum lot area shall be reduced to four thousand (4,000) square feet.

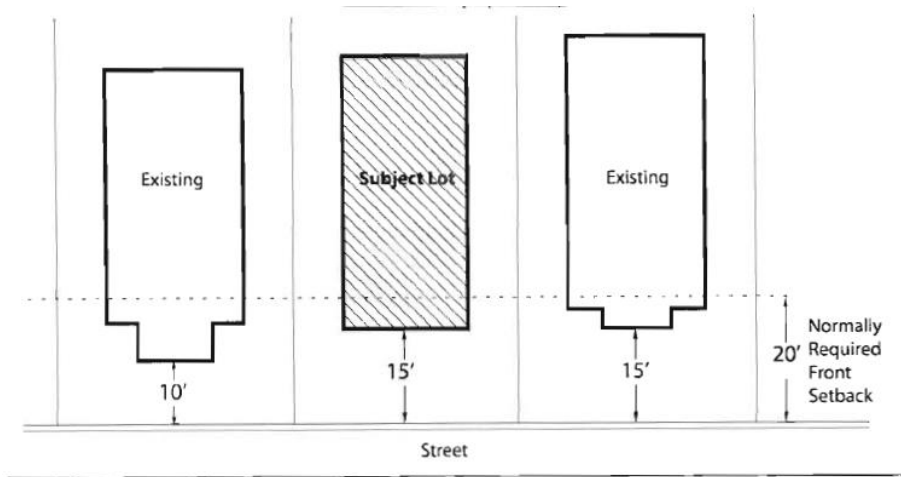
a. Also for the RM-2 Zone in the West Oakland District only, a conditional use permit to further reduce the minimum lot area from four thousand (4,000) square feet (as specific above) to two thousand five hundred (2,500) square feet may be granted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to the following additional criteria:

i. Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.

2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.

4. If adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than twenty (20) feet or fifteen (15) feet respectively, the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot ~~line~~ line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a twenty (20) feet or fifteen (15) feet, respectively, front setback (see Illustration for Table 17.17.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03 [Additional Regulation 4]  
 \*For illustration purposes only



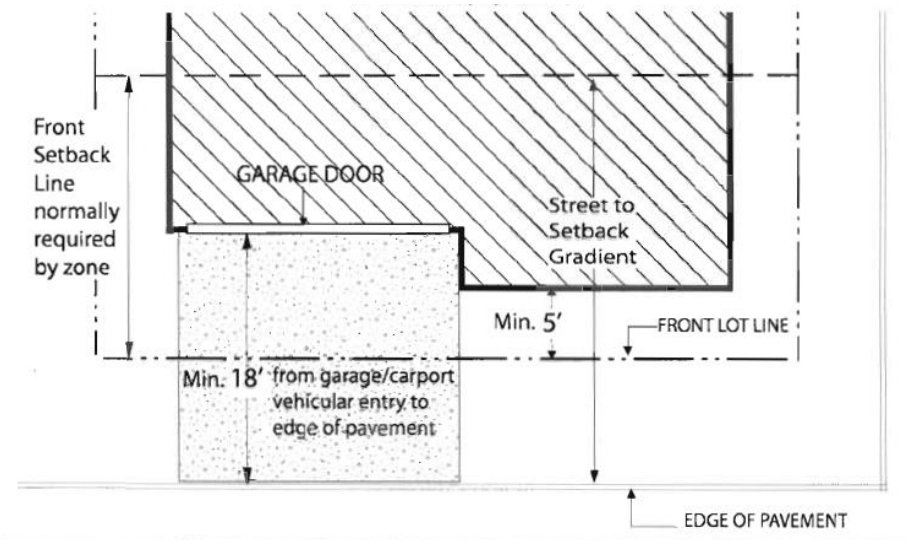
5. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:

- a. Roadway construction or widening;
- b. Sidewalk construction or widening; and
- c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

6. In all Residential Zones, the minimum front setback depth otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.17.03 [Additional Regulation 6-5], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.17.03 [Additional Regulation 6-5  
\*for illustration purposes only



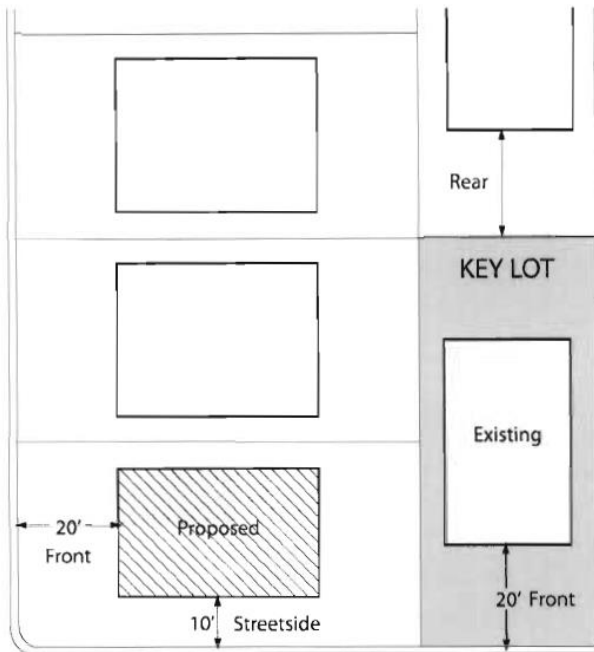
7. No front or side setbacks are required for commercial facilities in the C Combining Zzone except wherever an interior side lot line of any lot located in the C Combining Zzone abuts an interior side lot line of any lot that is not located in a C Combining Zzone or Commercial Zzone, there shall be provided on the former lot, along the abutting portion of its side lot line, a side yard with a minimum width of five (5) feet. (Where it abuts a rear lot line, no yard is required). Section 17.108.080 still applies. Also, see Section 17.108.130 for allowed projections into setbacks.

8. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum interior side and street side setbacks for lots equal to or greater than four thousand (4,000) square feet shall be reduced to four (4) feet. See additional regulation 1. above for further reduced interior side and street side setbacks for the RM-2 Zone in the West Oakland District only; and Table 17.17.04 for general reduced side, and rear setbacks for smaller lots. See also Section 17.108.130 for allowed projections into setbacks.

9. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.

10. In all Rresidential Zzones, on every corner lot which abuts to the rear a key lot which is in a Rresidential Zzone, there shall be provided on the street side of such corner lot a side setback with a minimum width equal to one-half ( $\frac{1}{2}$ ) of the minimum front setback depth required on the key lot and no less than the minimum side setback width required along an interior side lot line of the corner lot. However, such side setback shall not be required to exceed five (5) feet in width if it would reduce to less than twenty-five (25) feet the buildable width of any corner lot. Such setback shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130. This does not apply to lots within the C Combining Zzone (see Illustration for Table 17.17.03 [Additional Regulation 109], below). See also Subsection 17.110.040.C for special controls on location of detached accessory buildings on such corner lots.

Illustration Table 17.17.03 [Additional Regulation 109]  
\*for illustration purposes only



**11.** Wherever a rear lot line abuts an alley, one-half ( $\frac{1}{2}$ ) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback depth actually on the lot itself shall not be reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

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

**13.** In the RM-1 and RM-2 Zones, if at least sixty percent (60%) of the buildings in the immediate context are no more than one (1) story in height, the maximum wall height shall be fifteen (15) feet within the front twelve (12) feet of buildable area. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any variance, conditional use permit, design review, determination of exemption from design review, or other special zoning approval or, if no special zoning approval is required, part of any Planning Department approval of a building permit application.

**14.** In the RM-2 Zone, the maximum pitched roof height may be increased to thirty-five (35) feet and maximum wall height may increase to thirty (30) feet upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure). An increased wall height shall only be permitted in conjunction with a project with a pitched roof (a "pitched roof," as used in this Section, is defined as having a vertical to horizontal ratio of a minimum of four in twelve (4:12) slope). In addition to the criteria contained in Section 17.136.050, any proposed increase in roof height must also meet the following use permit criteria:

OAKLAND

- a. The additional pitched roof height is required to accommodate a roof form that is consistent with the historic context in the neighborhood; and
- b. In conjunction with an increased pitched roof height, the additional wall height is required to accommodate a wall height that is consistent with the historic context in the neighborhood.

15. If the total wall length within ten (10) feet of the side lot line exceeds forty (40) feet, then the building wall shall be articulated by at least one (1) section of additional setback. See design guidelines for more specific bulk regulations and context standards.

16. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapters 17.92 and 17.94.

17. In the RM-2 Zone, when the lot is less than four thousand (4,000) square feet in size or forty-five (45) feet in width, only one (1) parking space is required per unit. For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum parking requirement shall be only one (1) space per unit regardless of lot size or width.

18. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.

19. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

B. **Reduced Setbacks for Smaller Lots.** Table 17.17.04 below prescribes reduced setback standards for lots less than four thousand (4,000) square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.17.04 Reduced Setbacks for Smaller Lots (Less than Four Thousand (4,000) Square Feet)**

Regulation	Lot Size		Additional Regulations
	≤ 4,000 sf <sub>2</sub> or ≤ 40 feet wide	≤ 3,000 sf <sub>2</sub> or ≤ 35 feet wide	
<b>Minimum Setbacks</b>			
Minimum interior side	4 ft <sub>2</sub>	3 ft <sub>2</sub>	1
Minimum street side	4 ft <sub>2</sub>	3 ft <sub>2</sub>	1
Rear	15 ft <sub>2</sub>	15 ft <sub>2</sub>	1

**Additional Regulations for Table 17.17.04:**

- 1. See Section 17.108.130 for allowed projections into setbacks.

C. **Floor Area Ratio (FAR) and Lot Coverage for One- and Two-Family Dwelling Units Only.** Table 17.17.05 below prescribes FAR and lot coverage standards associated with lot sizes. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.17.05 Floor Area Ratio (FAR) and Lot Coverage Regulations for One- and Two-Family Dwelling Units Only**

Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000	≥5,000 and <12,000	≥12,000 and <25,000	≥25,000 and <43,560	≥43,560	
Maximum FAR for Lots with a Footprint Slope >20%	0.55	0.50	0.45	0.30	0.20	1, 2
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2, 3

**Additional Regulations for Table 17.17.05:**

1. Floor Area Ratio (FAR) only applies to lots that have a footprint slope of greater than twenty percent (20%). Lots less than five thousand (5,000) square feet may have a dwelling with a minimum of two thousand (2,000) square feet of floor area, regardless of FAR listed.

2. Regulation does not apply in the C Combining Zzone.

3. Lots less than five thousand (5,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.

D. **Height.** Table 17.17.06 below prescribes height standards associated with different sloped lots. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified footprint slope category.

**Table 17.17.06 Height Regulations for all Lots With a Footprint Slope of >20%**

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	> 20% and ≤ 40%	> 40% and ≤60%	> 60%	> 20%	
Maximum Height for Detached Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	1
Maximum Wall Height Primary Building	32 ft.	34 ft.	36 ft.	32 ft.	1, 2
Maximum Wall Height Primary Building with a CUP	36 ft.	38 ft.	40 ft.	35 ft.	1
Maximum Pitched Roof Height	36 ft.	38 ft.	40 ft.	35 ft.	1, 2

OAKLAND

Regulation	Downslope Lot Height Regulations With a Footprint Slope of:			Upslope Lot Height Regulations With a Footprint Slope of:	Additional Regulations
	> 20% and ≤ 40%	> 40% and ≤ 60%	> 60%	> 20%	
<b>Primary Building</b>					
<b>Maximum Height Above Edge of Pavement</b>	18 ft <sub>2</sub>	18 ft <sub>2</sub>	18 ft <sub>2</sub>	N/A	1
<b>Maximum Height Above the Ground Elevation at the Rear Setback Line</b>	N/A	N/A	N/A	24 ft <sub>2</sub>	1
<b>Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line</b>	N/A	N/A	N/A	24 ft <sub>2</sub>	1, 3

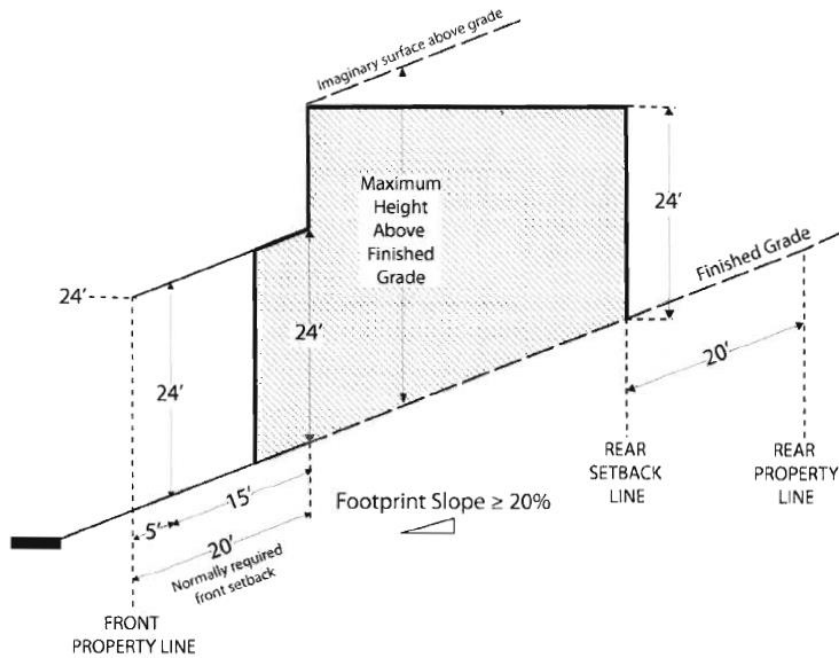
**Additional Regulations for Table 17.17.06:**

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. On a downslope lot greater than forty percent (40%) footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five (5) feet, but may not exceed eighteen (18) feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
  - a. Maximum width is twenty-two (22) feet and maximum depth is twenty (20) feet; and
  - b. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
  - c. Maximum height above the garage or carport floor is ten (10) feet for walls to the top of the plate or flat roof, and twelve (12) feet for pitched roofs (see Illustration for Table 17.17.06 [Additional Regulation 2], below).
3. The building height is measured from finished or existing grade, whichever is lower.

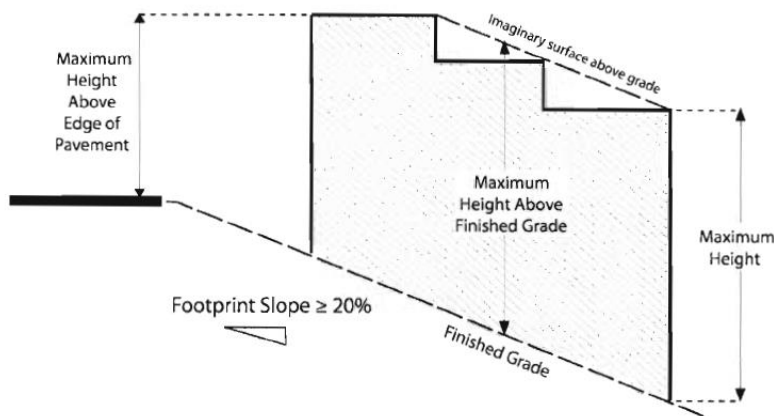
Illustrations for Table 17.17.06 [Additional Regulation 2]  
\*for illustration purposes only



Upslope



Downslope



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

**17.17.060 Special regulations for Mmini-Llot and Pplanned Uunit Ddevelopments.**

- A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain regulations that otherwise apply to individual lots in the RM Zzones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RM Zzones, and certain of

the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.17.070 Other zoning provisions.**

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the RM Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RM Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RM Zzones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS****Sections:**

17.19.010 Title, intent, and description.

17.19.030 Permitted and conditionally permitted activities.

17.19.040 Permitted and conditionally permitted facilities.

17.19.050 Property development standards.

17.19.060 Special regulations for mini-lot and ~~P~~planned ~~U~~unit ~~D~~developments.

17.19.070 Other zoning provisions.

**17.19.010 Title, intent, and description.**

A. Title and Intent. The provisions of this Chapter shall be known as the RU Urban Residential (~~RU~~) ~~R~~regulations. The intent of the Urban Residential (RU) Zones regulations is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services.

B. Description of Zones. This Chapter establishes land use regulations for the following five (5) zones:

1. **RU-1 Urban Residential - 1 Zone.** ~~-1-~~The intent of the RU-1 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.

2. **RU-2 Urban Residential - 2 Zone.** ~~-2-~~The intent of the RU-2 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services.

3. **RU-3 Urban Residential - 3 Zone.** ~~-3-~~The intent of the RU-3 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise or mid-rise residential structures at somewhat higher densities than RU-2, and neighborhood businesses where appropriate in locations with good access to transportation and other services.

4. **RU-4 Urban Residential - 4 Zone.** ~~-4-~~The intent of the RU-4 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures on the City's major corridors.

5. **RU-5 Urban Residential - 5 Zone.** ~~-5-~~The intent of the RU-5 Zzone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise, and high rise residential structures and ground floor neighborhood businesses on the City's major corridors.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.19.030 Permitted and conditionally permitted activities.**

Table 17.19.01 lists the permitted, conditionally permitted, and prohibited activities in the RU Zzones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.19.01: Permitted and Conditionally Permitted Activities**

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Residential Activities</b>						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
Residential Care	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.010
<del>Service-Enriched</del> Permanent <u>Supportive</u> Housing	<u>P C(L1)</u>	<u>P C(L1)</u>	<u>P C(L1)</u>	<u>P C(L1)</u>	<u>P C(L1)</u>	17.103.010
Transitional Housing	<u>P C(L1)</u>	<u>P C(L1)</u>	<u>P C(L1)</u>	<u>P C(L1)</u>	<u>P C(L1)</u>	17.103.010
Emergency Shelter	—	C(L1)	P(L2)	P(L2)	P(L2)	17.103.010
Semi-Transient	—	—	—	C(L1)	C(L1)	
Bed and Breakfast	C	C	C	C	C	17.10.125
<b>Civic Activities</b>						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	C	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	C	C	C	P(L3)	P(L3)	
Nonassembly Cultural	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	
Administrative	C	C	C	P(L3)(L4)	P(L3)(L5)	
Health Care	C	C	C	P(L3)(L4)	P(L3)(L5)	
Special Health Care	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	

OAKLAND

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Commercial Activities</b>						
General Food Sales	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Full Service Restaurants	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Limited Service Restaurant and Cafe	C(L6)(L7)	C(L6)(L7)	C(L6)(L7)	P(L3)(L4)	P(L3)(L5)	
Fast-Food Restaurant	—	—	—	—	C(L5)	17.103.030
Convenience Market	—	—	—	—	C(L5)	17.103.030
Alcoholic Beverage Sales	—(L8)	—(L8)	—(L8)	C(L4)	C(L5)	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	C(L5)	
Medical Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
General Retail Sales	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L6)(L7)(L10)	P(L7)(L9)(L10)	P(L7)(L9)(L10)	P(L3)(L4)(L10)	P(L3)(L5)(L10)	
Consultative and Financial Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Consumer Dry Cleaning Plant	—	—	—	C(L4)	C(L5)	
Group Assembly	—	—	C(L6)(L7)(L11)	C(L4)(L11)	C(L5)(L11)	
Personal Instruction and Improvement Services	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L3)(L4)	P(L3)(L5)	
Administrative	P(L7)(L12)	P(L7)(L12)	P(L7)(L12)	P(L3)(L4)	P(L3)(L5)	
Business, Communication, and Media Services	P(L7)(L9)	P(L7)(L9)	P(L7)(L9)	P(L2)(L4)	P(L3)(L5)	
Broadcasting and Recording Services Commercial Activities	—	—	—	P(L3)(L4)	P(L3)(L5)	
Research Service	—	—	—	P(L3)(L4)	P(L3)(L5)	

OAKLAND

Activities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	—	—	—	—	—	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	
Animal Care	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	
Industrial Activities (all)	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>						
Limited Agriculture	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	
Extensive Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Plant Nursery	C	C	C	C	C	
Mining and Quarrying	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	C	C	17.102.110

**Limitations on Table 17.19.01:**

**L1.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

~~L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L2. Emergency Shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(4)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitation L1 above.

L3. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L4. In the RU-4 Zzone, these activities may only be located either on the ground floor of a corner parcel or in an existing Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L5. In the RU-5 Zzone, these activities may only be located either on the ground floor of a facility constructed after the effective date of this Chapter (April 14, 2011) or in an existing Nonresidential Facility that was built prior to the effective date of this Chapter (April 14, 2011). For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit.

L6. In the RU-1, RU-2, and RU-3 Zzones, these activities may only be located in an existing ground floor of a Nonresidential Facility that was ~~both~~ built prior to the effective date of this Chapter (April 14, 2011), ~~and not originally used for a Civic Activity.~~ For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. Also, these activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.

L7. In the RU-1, RU-2, and RU-3 Zzones, the overall outside dimensions of a Nonresidential Facility built prior to the effective date of this Chapter (April 14, 2011) devoted to this activity shall not be increased and no open parking, loading, or production serving such activity shall be relocated or increased in size. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. This regulation supersedes the applicable provisions in Chapter 17.114.

L8. In the case of an existing, nonconforming Alcoholic Beverage Sales Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment shall not be increased. This regulation supersedes the Nonconforming activity Section 17.114.080(A)1.

L9. These activities may only be located in an existing ground floor of a Nonresidential Facility that was ~~both~~ built prior to the effective date of this Chapter (April 14, 2011), ~~and not originally used for a Civic Activity.~~ For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit (CUP) is required if the facility exceeds three thousand (3,000) square feet (see Chapter 17.134 for the CUP procedure).

**L10.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L11.** Adult ~~E~~entertainment ~~A~~activities are prohibited.

**L12.** These activities may only be located in an existing ground floor of a ~~N~~onresidential ~~F~~facility that was ~~both~~ built prior to the effective date of this ~~C~~hapter (April 14, 2011), ~~and not originally used for a Civic Activity.~~ These activities may only operate within the hours of 7:00 a.m. and 10:00 p.m.; a Conditional Use Permit is required if the facility exceeds one thousand five hundred (1,500) square feet (see Chapter 17.134 for the CUP procedure).

**L13.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure).

**L14.** Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

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

**17.19.040 Permitted and conditionally permitted facilities.**

Table 17.19.02 lists the permitted, conditionally permitted, and prohibited facilities in the RU ~~Z~~zones. The descriptions of these facilities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.19.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Residential Facilities</b>						
One-Family Dwelling	P	P	P	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	P	P	P	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P	P	P	P	P	



OAKLAND

Facilities	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	—	C	C	P	P	
Mobile Home	—	—	—	—	—	
<b>Nonresidential Facilities</b>						
Enclosed Nonresidential	P	P	P	P(L2)	P(L3)	
Open Nonresidential	P	P	P	P	P	
Sidewalk Cafe	P(L4)	P(L4)	P(L4)	P	P	17.103.090
Drive-In Nonresidential	—	—	—	—	—	
Drive-Through Nonresidential	—	—	—	—	—	
<b>Telecommunications Facilities</b>						
Micro Telecommunications	C	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
<b>Sign Facilities</b>						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P(L5)	P(L5)	P(L5)	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

**Limitations on Table 17.19.02:**

**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. A Secondary Unit may be permitted when there is no more than one (1) existing Primary Unit on a lot, subject to the provisions of Section 17.103.080.

**L2.** Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor of corner lots. It is not permitted either on an interior lot or above the ground floor.

**L3.** Construction of Nonresidential Facilities to be used for a Commercial Activity is only permitted on the ground floor.

OAKLAND

**L4.** Sidewalk cafes are allowed only as an accessory facility to an approved Full Service Restaurant or Limited Service Restaurant and Cafe. The sidewalk cafe may only operate within the hours of 7:00 a.m. to 10:00 p.m. No more than three (3) tables and no more than ten (10) chairs or seats are allowed by right. If more tables or chairs are requested, a Conditional Use Permit (CUP) is required (see Chapter 17.134 for the CUP procedure). See Section 17.103.090 for other regulations regarding Sidewalk Cafes; however, the regulations in this Section supersede any contradicting regulations in Section 17.103.090.

**L5.** Business Signs are only allowed on existing Nonresidential Facilities built prior to the effective date of this Chapter (April 14, 2011); otherwise Chapter 17.104 applies. For the purposes of this limitation, a facility is considered built if it received its certificate of occupancy or passed its final building inspection on its building permit. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be 0.5 square foot for each one foot of lot frontage in the case of an interior lot, or 0.25 square feet for each one foot of lot frontage in the case of a corner lot. The aggregate shall include only one face of a double-faced sign. The total amount of aggregate sign area shall not exceed one hundred (100) square feet on any one property. See Chapter 17.104 for other regulations regarding Business Signs; however, the regulations in this Section supersede any contradicting regulations in Chapter 17.104.

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

**17.19.050 Property development standards.**

A. Zone Specific Standards. Table 17.19.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates a standard is not applicable to the specified zone. ~~"—" indicates that a standard is not required in the specified zone.~~

**Table 17.19.03: Property Development Standards**

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Minimum Lot Dimensions</b>						
Lot Width mean	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	1
Frontage	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	1
Lot area	4,000 sf <sub>2</sub>	4,000 sf <sub>2</sub>	4,000 sf <sub>2</sub>	4,000 sf <sub>2</sub>	4,000 sf <sub>2</sub>	1
<b>Maximum Density</b>						
Permitted density for regular dwelling units	1 unit per 1,100 sf <sub>2</sub> of lot area	1 unit per 800 sf <sub>2</sub> of lot area	1 unit per 450 sf <sub>2</sub> of lot area	See Table 17.19.04	See Table 17.19.04	2
Permitted density for rooming units	N/A	1 unit per 800 sf <sub>2</sub> of lot area	1 unit per 450 sf <sub>2</sub> of lot area	See Table 17.19.04	See Table 17.19.04	
<b>Minimum Setbacks</b>						

OAKLAND

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Minimum front ( $\leq 20\%$ street-to-setback gradient) for Residential Facilities	15 ft.	10 ft.	10 ft.	5 ft.	0 ft.	3, 4, 5, 6
Minimum front ( $> 20\%$ street-to-setback gradient) for Residential Facilities	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3, 4, 5, 6
Minimum front for Commercial Facilities	15 ft.	10 ft.	10 ft.	0 ft.	0 ft.	3
Minimum interior side	4 ft.	4 ft.	0 ft.	0 ft.	0 ft.	3, 7, 8
Minimum street side	4 ft.	4 ft.	4 ft.	0 ft.	0 ft.	3, 4, 7, 9
Rear (Residential Facilities)	15 ft.	15 ft.	15 ft.	10/15 ft.	10/15 ft.	3, 7, 10, 11
Rear (Nonresidential Facilities)	15 ft.	15 ft.	15 ft.	0/10/15 ft.	0/10/15 ft.	3, 10, 11
<b>Reduced Setbacks for Smaller Lots <math>&lt; 3,000</math> sf. or <math>&lt; 35</math> ft. wide</b>						
Minimum interior side	3 ft.	3 ft.	0 ft.	N/A	N/A	3, 8
Minimum street side	3 ft.	3 ft.	3 ft.	N/A	N/A	3, 4, 8
<b>Height Regulations</b>						
Minimum height of ground floor Nonresidential Facilities	N/A 0 ft.	N/A 0 ft.	N/A 0 ft.	12 ft.	12 ft.	12
Minimum separation between the grade and ground floor living space	N/A 0 ft.	N/A 0 ft.	N/A 0 ft.	2.5 ft.	2.5 ft.	13
Maximum height primary building	40 ft.	50 ft.	60 ft.	See Table 17.19.04	See Table 17.19.04	14, 15
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	See Table 17.19.04	See Table 17.19.04	
<b>Parking Requirements</b>						
Minimum Parking Spaces Required per Regular Residential Unit	1	1	1	1	1	16
Additional Parking Spaces Required for Secondary Unit	1	1	1	1	1	16, 17
Parking and driveway location requirements	No	No	No	Yes	Yes	18
Minimum Parking Spaces for Nonresidential Activities	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking					

OAKLAND

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Minimum Usable Open Space</b>						
Group usable open space per regular unit	175 sf <sub>2</sub>	175 sf <sub>2</sub>	150 sf <sub>2</sub>	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per regular unit when private open space is substituted	50 sf <sub>2</sub>	30 sf <sub>2</sub>	30 sf <sub>2</sub>	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per rooming unit	85 sf <sub>2</sub>	85 sf <sub>2</sub>	75 sf <sub>2</sub>	See Table 17.19.04	See Table 17.19.04	19
Group usable open space per rooming unit when private open space substituted	15 sf <sub>2</sub>	15 sf <sub>2</sub>	15 sf <sub>2</sub>	See Table 17.19.04	See Table 17.19.04	19
<b>Courtyard Regulations</b>	See Section 17.108.120					

**Additional Regulations for Table 17.19.03:**

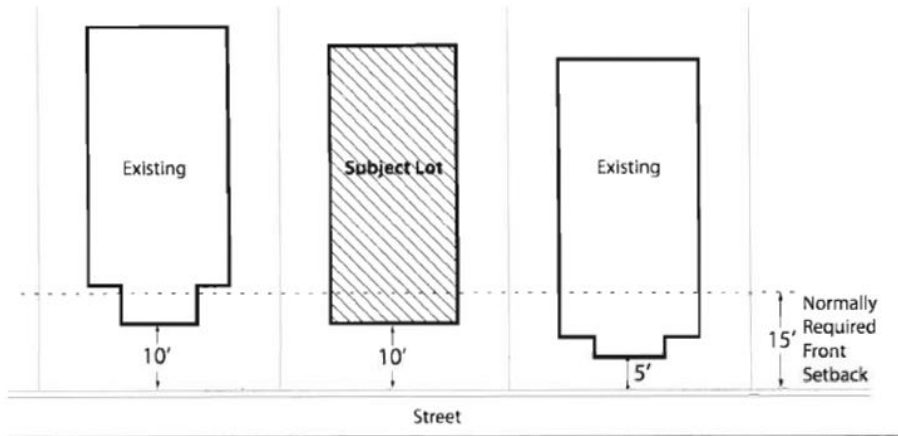
1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean and street frontage regulations.
2. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.
3. See Section 17.108.130 for allowed projections into setbacks.
4. On lots with only Residential Facilities, paved surfaces within required street-fronting yards, and any unimproved rights-of-way of adjacent streets, shall be limited to fifty percent (50%) on interior lots and thirty percent (30%) on corner lots. Exceptions: The maximum percentages of paved surfaces specified in this additional regulation may be exceeded within unimproved rights-of-way in the following cases upon issuance of a private construction of public improvements (P-job) permit or if undertaken directly by the City or by a private contractor under contract to the City:
  - a. Roadway construction or widening;
  - b. Sidewalk construction or widening; and
  - c. Any work pursuant to an approved final map, parcel map or final development plan pursuant to a Planned Unit Development (PUD) permit.

For purposes of this additional regulation, an unimproved right-of-way is the portion of a street or alley right-of-way that is not paved.

5. In the RU-1 Zone, if adjacent lots abutting the side lot lines of the subject lot both contain principal Residential Facilities that have front setbacks with a depth of less than fifteen (15) feet,

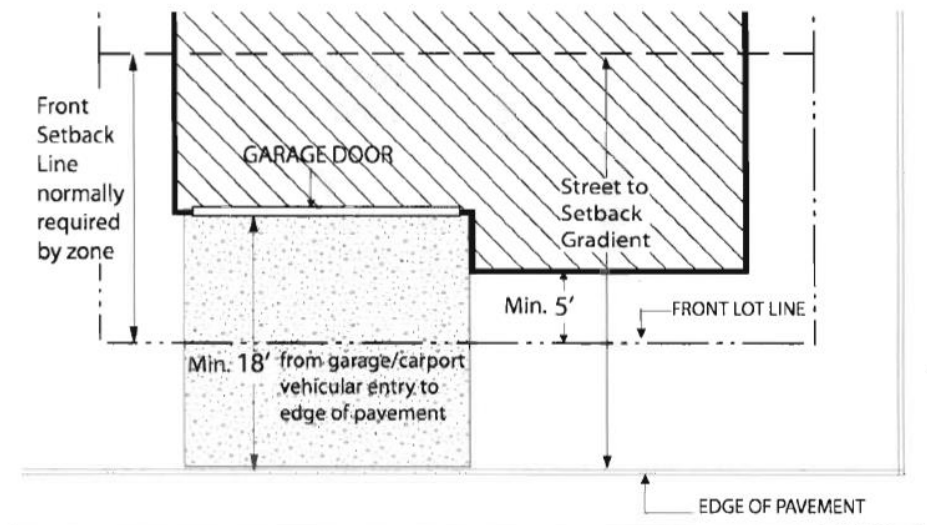
the minimum front setback may be reduced for buildings and other structures on the subject lot up to a line parallel to the front lot line and extended from the most forward projection of the principal Residential Facility on the adjacent lots having the deeper front setback depth, provided such projection is enclosed, has a wall height of at least eight (8) feet, and has a width of at least five (5) feet. In the case of a corner lot or lot that has a vacant parcel next to it, this same principal may apply if the two (2) lots adjacent to the corner lot or lot along its front lot line have less than a fifteen (15) foot front setback (see Illustration for Table 17.19.03 [Additional Regulation 54], below). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 54]  
\*for illustration purposes only



6. In all Residential Zones, the minimum front setback otherwise required by the applicable individual zone regulations shall be reduced to five (5) feet on any lot with a street-to-setback gradient that exceeds twenty percent (20%), provided, however, that the distance from the edge of the pavement to a garage or carport elevation containing one or more vehicular entries shall be at least eighteen (18) feet (see Illustration for Table 17.19.03 [Additional Regulation 65], below). See Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.19.03 [Additional Regulation 65]  
\*for illustration purposes only

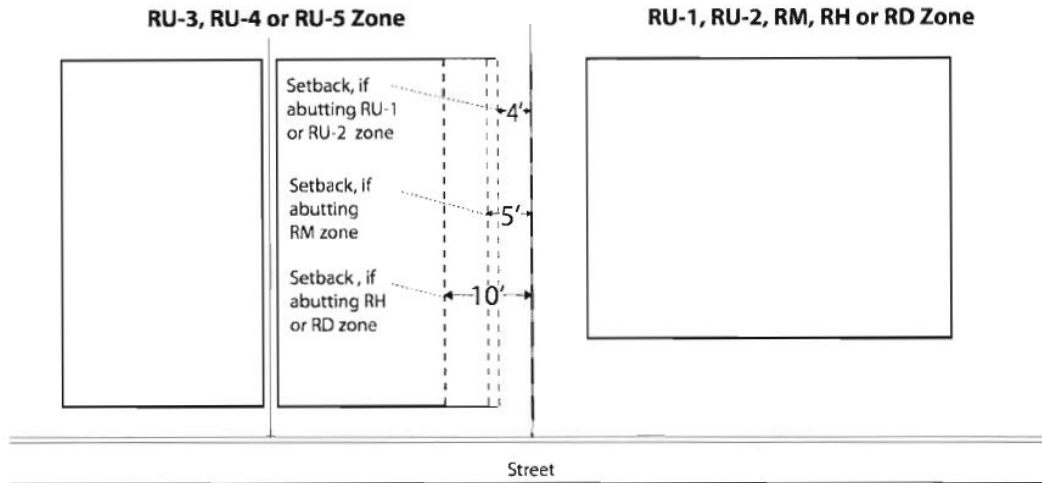


## OAKLAND

7. See Section 17.108.080 for the required interior side and rear setbacks on a lot containing two (2) or more living units and opposite a legally-required living room window.

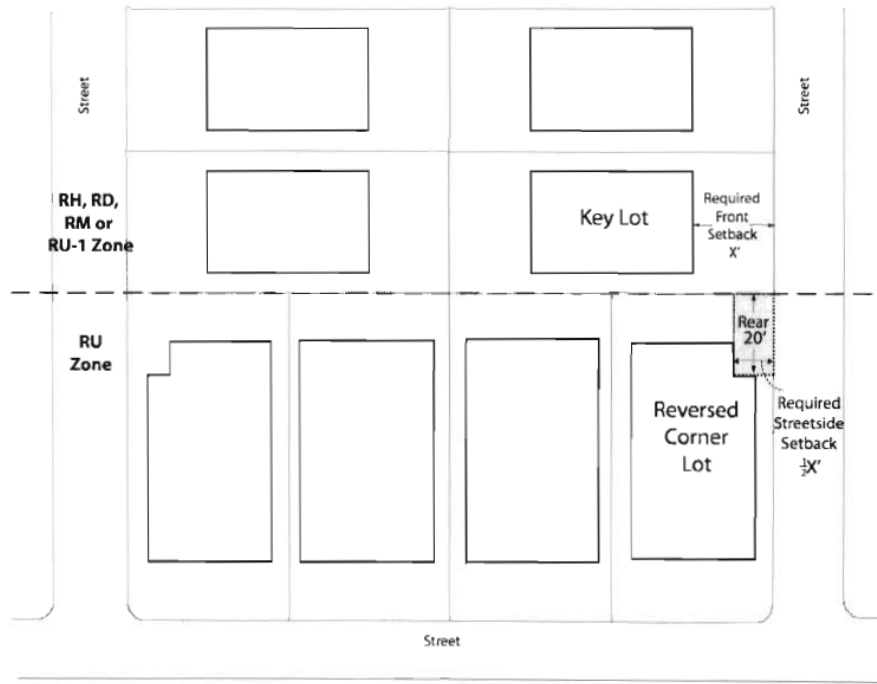
8. Wherever an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 Zone abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line of any lot located in the RU-3, RU-4, or RU-5 Zone abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line in an RU-3, RU-4, or RU-5 lot abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.19.03 [Additional Regulation ~~87~~] below).

Illustration for Table 17.19.03 [Additional Regulation 87]  
 \*for illustration purposes only



9. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, or the RU-1 Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot (see Illustration for Table 17.19.03 [Additional Regulation 98], below).

Illustration for Table 17.19.03 [Additional Regulation 98]  
 \*for illustration purposes only

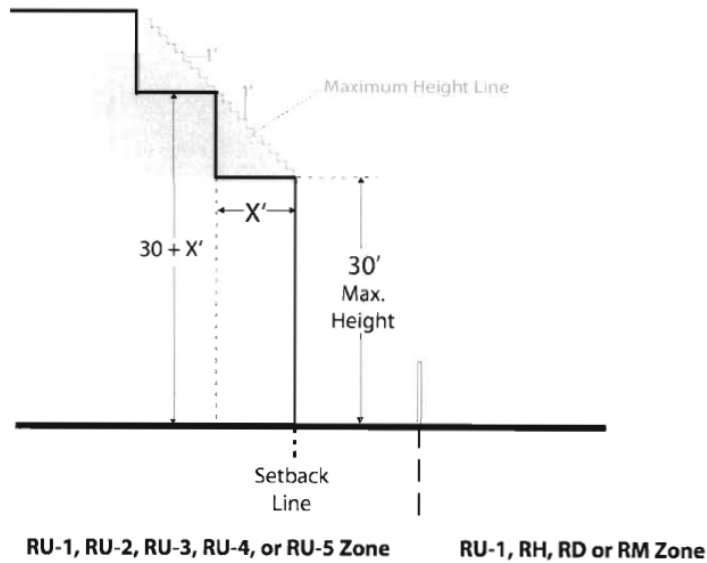


10. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also,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

11. When a rear lot line in the RU-4 or RU-5 Zones is adjacent to an RH, RD, or RM Zone, or the RU-1 Zone, the required rear setback for both Residential Facilities and Nonresidential Facilities is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet. When a rear lot line of a lot in these zones is not adjacent to an RH, RD, or RM Zone, or the RU-1 Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.
12. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.
13. This regulation only applies to new Residential Facilities and ground floor living space located within fifteen (15) feet of a street frontage.
14. Buildings in the RU, RU-1, RU-2, RU-3, RU-4, and RU-5 Zones shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RU-1 Zone or an RH, RD, or RM Zone; this maximum height may increase one (1) foot for every foot of distance from this setback line (see Illustration for Table 17.19.043 [Additional Regulation 144], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

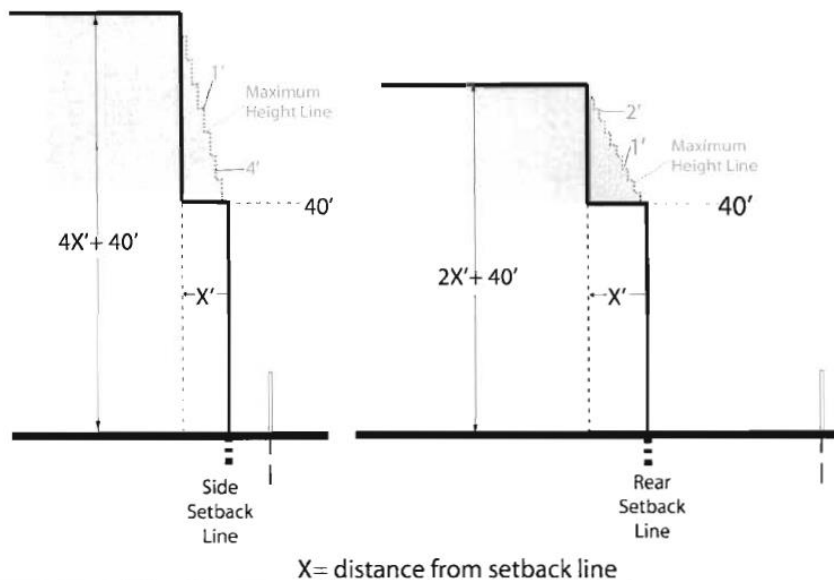


Illustration for Table 17.19.03 [Additional Regulation 1413]  
 \*for illustration purposes only



**15.** In the RU-2 and RU-3 Zone, a building may only exceed forty (40) feet in height up to the maximum height if each portion above forty (40) feet is: Set back from the inner line of each of the minimum side setbacks, if any, required by Subsection 17.28.150.C.1 a minimum horizontal distance equal to one (1) foot for each four (4) feet by which it extends above the height of forty (40) feet; and set back from the inner line of the minimum rear yard required by Subsection 17.28.150.D a minimum horizontal distance equal to one (1) foot for each two (2) feet by which it extends above the height of forty (40) feet, provided, however, that such setback from the inner line of the minimum rear yard need not exceed forty (40) feet (see Illustration for Table 17.19.03 [Additional Regulation 1514], below).

Illustration for Table 17.19.03 [Additional Regulation 1514]  
 \*for illustration purposes only



16. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117. Also, additional parking standards apply within the S-11 and S-12 Zones, as prescribed in Chapters 17.92 and 17.94.

17. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.

18. For the new construction of principal buildings in the RU-4 and RU-5 Zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

19. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

**B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only.** Table 17.19.04 below prescribes height, FAR, intensity, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

**Table 17.19.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations for the RU-4 and RU-5 Zones Only**

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
<b>Maximum Height</b>	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	<u>120</u> 90-ft.	1, 2
<b>Height Minimum</b>							
Permitted height minimum	<u>N/A</u> 0-ft	<u>N/A</u> 0-ft	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	<u>N/A</u>	<u>N/A</u>	25 ft.	25 ft.	25 ft.	25 ft.	3
<b>Maximum Residential Density (square feet of lot area required per unit)</b>	550 sf.	450 sf.	375 sf.	275 sf.	225 sf.	225 sf.	4, 5
<b>Maximum Nonresidential FAR</b>	2.0	2.5	3.0	4.0	4.0	4.0	4, 5
<b>Maximum Number of Stories (not including underground construction)</b>	3	4	5	7	8	11	
<b>Minimum Usable Open Space</b>							
Group usable open space per regular unit	150 sf.	150 sf.	150 sf.	150 sf.	100 sf.	100 sf.	6

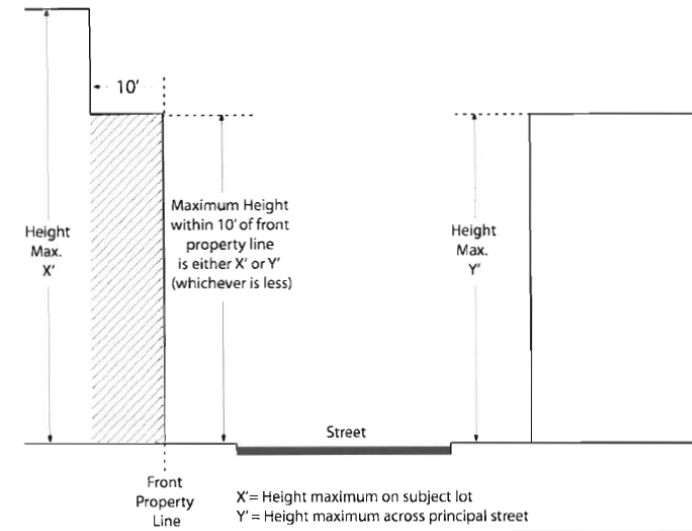
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Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
Group usable open space per regular unit when private open space substituted	30 sf <sub>2</sub>	30 sf <sub>2</sub>	30 sf <sub>2</sub>	30 sf <sub>2</sub>	20 sf <sub>2</sub>	20 sf <sub>2</sub>	6
Group usable open space per rooming unit	75 sf <sub>2</sub>	75 sf <sub>2</sub>	75 sf <sub>2</sub>	75 sf <sub>2</sub>	50 sf <sub>2</sub>	50 sf <sub>2</sub>	6
Group usable open space per rooming unit when private open space is substituted	15 sf <sub>2</sub>	15 sf <sub>2</sub>	15 sf <sub>2</sub>	15 sf <sub>2</sub>	10 sf <sub>2</sub>	10 sf <sub>2</sub>	6

**Additional Regulations for Table 17.19.04:**

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.19.04 [Additional Regulation 1], below).

Illustration for Table 17.19.04 [Additional Regulation 1]  
\*for illustration purposes only



2. Buildings in the ~~RU~~, ~~RU-2~~, ~~RU-3~~, ~~RU-4~~, and ~~RU-5~~ Zones shall have a thirty (30) foot maximum height at the setback line along any rear or interior side lot line that abuts a lot in an RH, RD, or ~~RM~~, or ~~RU-1~~ Zone; this maximum height may increase one (1) foot for every foot of distance away from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities are exempted from the height minimum regulation. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
6. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

#### 17.19.060 Special regulations for Mmini-Llot and Pplanned Uunit Ddevelopments.

- A. **Mini-Lot Developments.** In Mmini-Llot Ddevelopments, certain regulations that apply to individual lots in the RU Zzones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RU Zzones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

#### 17.19.070 Other zoning provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. Chapters 17.104, 17.106, and 17.108 shall apply in the RU Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in RU-1, RU-2, RU-3, RU-4, and RU-5 Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the RU Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

## Chapter 17.30 R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS <sup>[13]</sup>

### Sections:

17.30.010 Title, purpose, and applicability.

17.30.040 Required design review process.

17.30.050 Permitted activities.

17.30.060 Conditionally permitted activities.

17.30.080 Conditionally permitted facilities.

17.30.130 Minimum lot area, width, and frontage.

17.30.140 Maximum residential density.

17.30.150 Maximum Floor-Area Ratio.

17.30.200 Special regulations for Mini-Lot Developments, Planned Unit Developments, and large-scale developments.

17.30.210 Other zoning provisions.

### 17.30.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the R-80 High-Rise Apartment Residential Regulations. The intent of the High-Rise Apartment Residential (R-80) Zone is to create, preserve, and enhance areas for high-rise apartment living at high densities in desirable settings, and is typically appropriate to areas near major shopping and community centers and rapid transit stations. These regulations shall apply in the R-80 Zone.

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

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

### 17.30.040 Required design review process.

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

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Residential Facility, Mixed-Use Development, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal~~

~~have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

**17.30.050 Permitted activities.**

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

Semi-Transient

C. Agricultural and Extractive Activities:

Limited Agriculture, permitted outright, if the activity occupies less than one (1) acre of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity is larger in either land area, or in sales area, frequency, or hours of operation (see Chapter 17.134 for the CUP procedure)

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

**17.30.060 Conditionally permitted activities.**

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

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

Emergency Shelter

E. Off-street parking serving activities other than those listed above or in Section 17.30.050, subject to the conditions set forth in Section 17.116.075.

F. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone subject to the conditions set forth in Section 17.102.110.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

**17.30.080 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. Telecommunications Facilities:

Micro Telecommunications

Mini Telecommunications

Macro Telecommunications

Monopole Telecommunications

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)

**17.30.130 Minimum lot area, width, and frontage.**

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

**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 (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Subsection 17.102.270.B and a Secondary Unit.

**17.30.150 Maximum Floor-Area Ratio.**

The maximum Floor-Area Ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio (FAR). The maximum permitted Floor-Area Ratio is 3.50, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- B. Conditionally Permitted Floor-Area Ratio (FAR). The Floor-Area Ratio permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:

**17.30.200 Special regulations for Mmini-Llot Ddevelopments, Planned Unit Developments, and large-scale developments.**

- A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain of the regulations otherwise applying to individual lots in the R-80 Zzone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 Zzone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.
- C. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid planned unit development permit is in effect.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011)

**17.30.210 Other zoning provisions.**

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the R-80 Zzone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in R-80 Zzone.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011)



**Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS**

**Sections:**

17.33.010 Title, intent, and description.

17.33.030 Permitted and conditionally permitted activities.

17.33.040 Permitted and conditionally permitted facilities.

17.33.050 Property development standards.

17.33.060 Special regulations for mini-lot and Planned Unit Developments.

17.33.070 Other zoning provisions.

**17.33.010 Title, intent, and description.**

A. Title and Intent. The provisions of this Chapter shall be known as the CN Neighborhood Center Commercial (CN) Zones Regulations. The intent of the Neighborhood Center Commercial (CN) Zones is to create, preserve, and enhance mixed use neighborhood commercial centers. The centers are typically characterized by smaller scale pedestrian oriented, continuous and active store fronts with opportunities for comparison shopping. These regulations shall apply to the CN Zones.

B. Description of Zones. This Chapter establishes land use regulations for the following four (4) zones:

1. **CN-1 Neighborhood Commercial - 1 Zone. -4-** The intent of the CN-1 Zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping.
2. **CN-2 Neighborhood Commercial - 2 Zone. -2-** The intent of the CN-2 Zone is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment.
3. **CN-3 Neighborhood Commercial - 3 Zone. -3-** The intent of the CN-3 Zone is to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment.
4. **CN-4 Neighborhood Commercial - 4 Zone. -4-** The intent of the CN-4 Zone is to accommodate a broad range of low impact, retail, and service uses in small commercial districts, often near lower density residential neighborhoods.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.33.030 Permitted and conditionally permitted activities.**

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

OAKLAND

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

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

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

**Table 17.33.01: Permitted and Conditionally Permitted Activities**

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Residential Activities</b>					
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	17.103.010
Service-Enriched Permanent Supportive Housing	<del>PC(L1)(L23)(L34)</del>	<del>PC(L1)(L23)(L34)</del>	<del>PC(L1)(L3)(L4)</del>	<del>PC(L1)(L3)</del>	17.103.010
Transitional Housing	<del>PC(L1)(L23)(L34)</del>	<del>PC(L1)(L23)(L34)</del>	<del>PC(L1)(L3)(L4)</del>	<del>PC(L1)(L3)</del>	17.103.010
Emergency Shelter	P(L5)	P(L5)	P(L5)	C(L1)(L3)	17.103.010
Semi-Transient	—	—	—	—	
Bed and Breakfast	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)	
<b>Civic Activities</b>					
Essential Service	P(L17)	P(L17)	P(L17)	P(L17)	
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L2)	P(L2)	P(L6)	P(L6)	
Community Assembly	C(L4)	C(L4)	C(L4)	C	
Recreational Assembly	P(L2)	P(L2)	P(L6)	P(L6)	
Community Education	C(L4)	C(L4)	C(L4)	C	
Nonassembly Cultural	P(L6)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	
Health Care	C(L4)	C(L4)	C(L4)	C	
Special Health Care	C(L4)(L7)	C(L4)(L7)	C(L4)(L7)	C(L7)	17.103.020
Utility and Vehicular	C(L4)	C(L4)	C(L4)	C	
Extensive Impact	C(L4)	C(L4)	C(L4)	C	
<b>Commercial Activities</b>					
General Food Sales	P(L6)	P(L6)	P(L8)	P(L8)	

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Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Full Service Restaurants	C(L4)	P(L6)	P(L6)	P(L6)	
Limited Service Restaurant and Cafe	C(L4)	P(L6)	P(L6)	P(L6)	
Fast-Food Restaurant	C(L4)	C(L4)	C(L4)	C	17.103.030 and 8.09
Convenience Market	C(L4)	C(L4)	C(L4)	C	17.103.030
Alcoholic Beverage Sales	C(L4)	C(L4)	C(L4)	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C(L4)	C(L4)	C(L4)	C	
Medical Service	P(L2)	P(L8)	P(L8)	P(L6)	
General Retail Sales	P(L6)	P(L6)	P(L9)	P(L9)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	
Consultative and Financial Service	P(L2)	P(L11)	P(L6)	P(L6)	
Check Cashier and Check Cashing	—	—	—	—	
Consumer Cleaning and Repair Service	P(L6)	P(L6)	P(L6)	P(L6)	
Consumer Dry Cleaning Plant	C(L4)	C(L4)	C(L4)	C	
Group Assembly	C(L4)(L12)	C(L4)(L12)	C(L4)(L12)	C(L12)	
Personal Instruction and Improvement Services	P(L2)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	
Business, Communication, and Media Services	P(L2)	P(L2)	P(L6)	P(L6)	
Broadcasting and Recording Services	P(L2)	P(L2)	P(L6)	P(L6)	
Research Service	C(L4)	C(L4)	P(L6)	P(L6)	
General Wholesale Sales	—	—	—	—	
Transient Habitation	—	—	—	—	

OAKLAND

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Building Material Sales	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	C	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	
Automotive Fee Parking	C(L4)	C(L4)	C(L4)	C	
Animal Boarding	—	—	—	—	
Animal Care	C(L4)	C(L4)	P(L6)	P(L6)	
Undertaking Service	—	—	—	—	
<b>Industrial Activities</b>					
Custom Manufacturing	C(L4)(L13)	C(L4)(L13)	C(L13)	C	
Light Manufacturing	—	—	—	—	
General Manufacturing	—	—	—	—	
Heavy/High Impact	—	—	—	—	
Research and Development	—	—	—	—	
Construction Operations	—	—	—	—	
<b>Warehousing, Storage, and Distribution</b>					
A. General Warehousing, Storage and Distribution	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-	—	—	—	—	

OAKLAND

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Related					
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	
<b>Agriculture and Extractive Activities</b>					
Limited Agriculture	C(L14)	C(L14)	P(L15)	P(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	C(L4)	C(L4)	C(L4)	C	
Mining and Quarrying	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C(L4)	C(L4)	C(L4)	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C(L4)	C(L4)	C(L4)	C	17.102.110

**Limitations on Table 17.33.01:**

**L1.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

**L5.** Emergency Shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section

OAKLAND

17.103.015(A)(1)(2)(7) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1, L3, and L4 above.

**L7.** No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L12.** No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

**L17.** Community Gardens are permitted ~~by~~ outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**17.33.040 Permitted and conditionally permitted facilities.**

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN Zzones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.33.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Residential Facilities</b>					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P(L2)	P(L2)	P(L3)	P	
Multifamily Dwelling	P(L2)	P(L2)	P(L3)	P	
Rooming House	P(L2)	P(L2)	P(L3)	P	
Mobile Home	—	—	—	—	
<b>Nonresidential Facilities</b>					
Enclosed Nonresidential	P	P	P	P	

OAKLAND

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In	—	—	—	C	
Drive-Through	—	—	—	C(L5)	17.103.100
<b>Telecommunications Facilities</b>					
Micro Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Mini Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
<b>Sign Facilities</b>					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

**Limitations on Table 17.33.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. A Secondary Unit may be permitted when there is no more than one (1) existing Primary Unit on a lot, subject to the provisions of Section 17.103.080.

**L3.** Ground floor construction of new Residential Facilities is only permitted on interior lots and requires the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). New construction of ground floor Rresidential Ffacilities is not permitted on a corner lot.

**L6.** See Section 17.128.025 for restrictions on Telecommunication Facilities near Rresidential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

**17.33.050 Property development standards.**

A. Zone Specific Standards. Table 17.33.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates a standard is not

OAKLAND

applicable to the specified zone. "—" indicates that a standard is not required in the specified zone.

**Table 17.33.03: Property Development Standards**

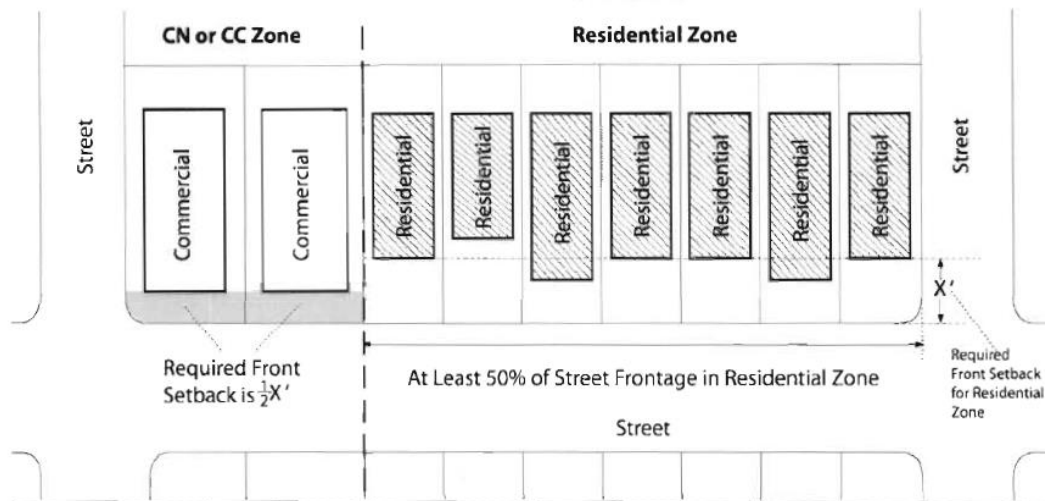
Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Minimum Lot Dimensions</b>					
Lot Width Mean	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	1
<b>Minimum/Maximum Setbacks</b>					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front	10 ft.	10 ft.	10 ft.	N/A None	3
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	4, 5
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	6
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
<b>Design Regulations</b>					
Minimum ground floor nonresidential facade transparency	65%	65%	65%	N/A None	9
Minimum height of ground floor Nonresidential Facilities	12 ft.	12 ft.	12 ft.	12 ft.	10
Minimum separation between the grade and ground floor living space	N/A —	N/A —	2.5 ft.	2.5 ft.	11
Parking and driveway location requirements	Yes	Yes	Yes	No	12
Ground floor active space requirement	Yes	Yes	Yes	No	13
<b>Height, Floor Area Ratio, Density, and Open Space Regulations</b>	See Table 17.33.04				
<b>Minimum required parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				<u>14</u>
<b>Courtyard regulations</b>	See Section 17.108.120				



**Additional Regulations for Table 17.33.03:**

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is in any Rresidential Zzone and all or part of the remaining frontage is in any Commercial or Industrial Zzone, the required front setback of the commercially or industrially zoned lots is one-half ( $\frac{1}{2}$ ) of the minimum front setback required in the Rresidential Zzone. If fifty percent (50%) or more of the total frontage is in more than one Rresidential Zzone, then the minimum front setback on the commercially or industrially zoned lots is one-half ( $\frac{1}{2}$ ) of that required in the Rresidential Zzone with the lesser front setback (see Illustration for Table 17.33.03 [Additional Regulation 2]). Also, see Section 17.108.130 for allowed projections into setbacks.

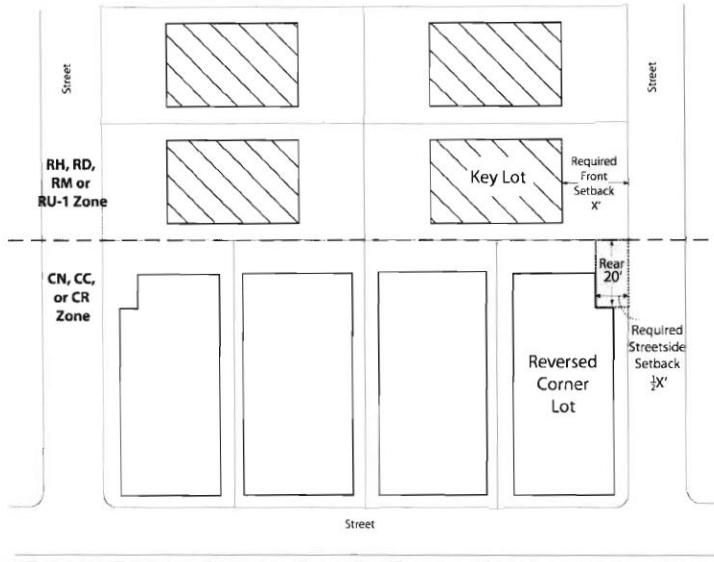
Illustration for Table 17.33.03 [Additional Regulation 2]  
\*for illustration purposes only



4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zzone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in a RM Zzone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zzone, ~~or the RU-1 zone,~~ the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ( $\frac{1}{2}$ ) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

OAKLAND

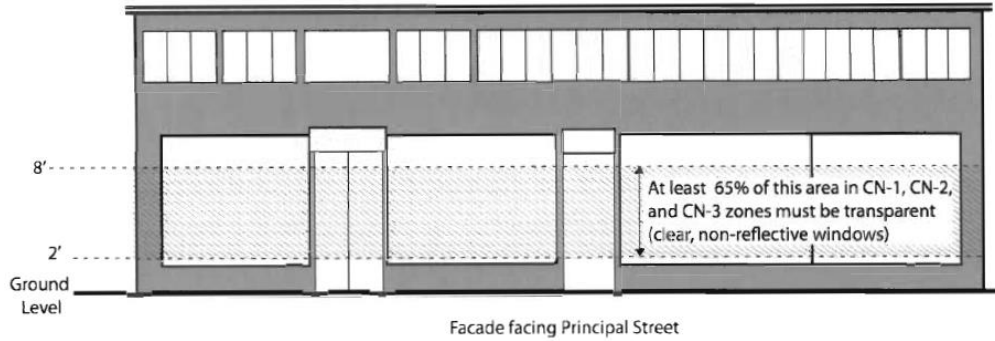
Illustration for Table 17.33.03 [Additional Regulation 6]  
 \*for illustration purposes only



8. When a rear lot line is adjacent to an RH, RD, or RM ~~zone, or the RU-1 zone,~~ the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM ~~zone, or the RU-1 zone,~~ the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

9. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, nonreflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.33.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.33.03 [Additional Regulation 9]  
 \*for illustration purposes only



10. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.

11. This regulation only applies to new Residential Facilities and ground floor living space located within fifteen (15) feet of a street frontage.

12. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 Zones, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

13. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 Zones, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 12, above.

14. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.

B. **Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.33.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

**Table 17.33.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
<b>Maximum Height</b>	35 ft.	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	1, 2

OAKLAND

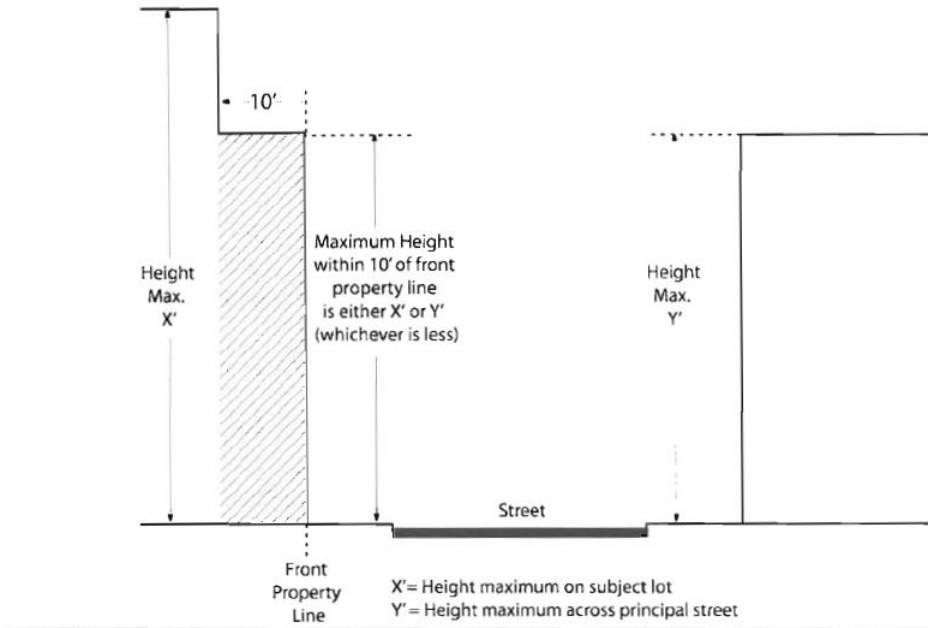
Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
<b>Height Minimum</b>							
Permitted height minimum	N/A 0-ft	N/A 0-ft	N/A 0-ft	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	N/A ft	25 ft.	25 ft.	25 ft.	3
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>							
Regular units	550	Same density regulations as abutting RH, RD, or RM <u>Z</u> zone	450	375	275	225	4, 5, 6
Rooming units	275	Same density regulations as abutting RH, RD, or RM <u>Z</u> zone	225	185	135	110	4, 5, 6
<b>Maximum Nonresidential FAR</b>	2.0	NA	2.5	3.0	4.0	4.0	4, 5, 6
<b>Maximum Number of Stories (not including underground construction)</b>	3	3	4	5	7	8	
<b>Usable Open Space (square feet per residential unit)</b>							
Group usable open space per regular unit	150	Same density regulations as abutting RH, RD, or RM <u>Z</u> zone	150	150	150	100	6, 7
Group usable open space per regular unit when private open space substituted	30	Same density regulations as abutting RH, RD, or RM <u>Z</u> zone	30	30	30	20	6, 7
Group usable open space per Rooming unit	75	Same density regulations as abutting RH, RD, or RM <u>Z</u> zone	75	75	75	50	6, 7
Group usable open space per rooming unit when private open space is substituted	15	Same density regulations as abutting RH, RD, or RM <u>Z</u> zone	15	15	15	10	6, 7

**Additional Regulations for Table 17.33.04:**

## OAKLAND

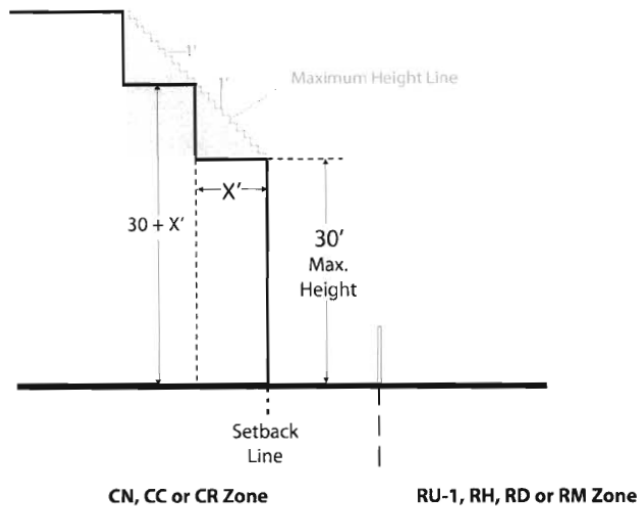
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.33.04 [Additional Regulation 1], below).

Illustration for Table 17.33.04 [Additional Regulation 1]  
 \*for illustration purposes only



2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM ~~or RU-1~~ Zone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.33.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.33.04 [Additional Regulation 2]  
 \*for illustration purposes only



4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.

6. In the 35\* height area, residential developments are subject to the same residential density and open space regulations as the adjacent RH, RD, or RM Zzone. When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.

7. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

### 17.33.060 Special regulations for Mmini-Llot and Planned Unit Developments.

A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain regulations that apply to individual lots in the CN Zones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CN Zzones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

### 17.33.070 Other zoning provisions.

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

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

C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CN Zzones.

D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in CN Zzones.

## Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

### Sections:

17.35.010 Title, intent, and description.

17.35.030 Permitted and conditionally permitted activities.

17.35.040 Permitted and conditionally permitted facilities.

17.35.050 Property development standards.

17.35.060 Special regulations for mini-lot and ~~P~~planned ~~U~~unit ~~D~~developments.

17.35.070 Other zoning provisions.

### 17.35.010 Title, intent, and description.

- A. Intent. The provisions of this Chapter shall be known as the CC Community Commercial (~~CC~~) Zones Regulations. The intent of the Community Commercial (CC) Zzones is to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers. These regulations shall apply to the CC Zzones.
- B. Description of Zones. This Chapter establishes land use regulations for the following three (3) zones:
  1. **CC-1 Community Commercial - 1 Zone.** ~~-4-~~The CC-1 Zzone is intended to create, maintain, and enhance shopping centers and malls with a wide range of consumer businesses.
  2. **CC-2 Community Commercial - 2 Zone.** ~~-2-~~The CC-2 Zzone is intended to create, maintain, and enhance areas with a wide range of commercial businesses with direct frontage and access along the City's corridors and commercial areas.
  3. **CC-3 Community Commercial - 3 Zone.** ~~-3-~~The CC-3 Zzone is intended to create, maintain, and enhance areas with a wide range of ~~heavy~~ commercial and service activities.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

### 17.35.030 Permitted and conditionally permitted activities.

Table 17.35.01 lists the permitted, conditionally permitted, and prohibited activities in the CC Zzones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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



OAKLAND

**Table 17.35.01: Permitted and Conditionally Permitted Activities**

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Residential Activities</b>				
Permanent	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	C(L1)(L3)	17.103.010
<del>Service-Enriched Permanent</del> <u>Supportive</u> Housing	<del>P</del> (L1)(L2)(L3)	<del>P</del> (L1)(L2)(L3)	C(L1)(L3)	<del>17.103.010</del>
Transitional Housing	<del>P</del> (L1)(L2)(L3)	<del>P</del> (L1)(L2)(L3)	C(L1)(L3)	<del>17.103.010</del>
Emergency Shelter	C(L1)(L3)	P(L4)	P(L4)	17.103.010
Semi-Transient	—	—	—	
Bed and Breakfast	C	C	C(L3)	<u>17.10.125</u>
<b>Civic Activities</b>				
Essential Service	P	P	P	
Limited Child-Care Activities	P	P	C	
Community Assembly	C	C	C	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	P	P	P	
Health Care	P	P	P	
Special Health Care	C(L5)	C(L5)	C(L5)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
<b>Commercial Activities</b>				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	17. 17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	

OAKLAND

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L6)	P(L6)	P(L6)	
Consultative and Financial Service	P	P	P	
Check Cashier and Check Cashing	C(L7)	C(L7)	C(L7)	17.103.040
Consumer Cleaning and Repair Service	P	P	P	
Consumer Dry Cleaning Plant	P	C	P	
Group Assembly	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	P	P	P	
Administrative	P	P	P	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	—	—	P	
Transient Habitation	—	—	—	
Building Material Sales	—	—	P	
Automobile and Other Light Vehicle Sales and Rental	C	P(L9)	P	
Automobile and Other Light Vehicle Gas Station and Servicing	P	C	P	
Automobile and Other Light Vehicle Repair and Cleaning	C(L10)	C(L10)	P	
Taxi and Light Fleet-Based Services	—	—	C	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	P	P	P	
Undertaking Service	—	—	—	
<b>Industrial Activities</b>				
Custom Manufacturing	C	C	P	

OAKLAND

Activities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Light Manufacturing	—	C	P(L11)	
General Manufacturing	—	—	—	
Heavy/High Impact	—	—	—	
Research and Development	—	—	—	
Construction Operations	—	—	—	
<b>Warehousing, Storage, and Distribution</b>				
A. General Warehousing, Storage and Distribution	—	—	P	
B. General Outdoor Storage	—	—	—	
C. Self- or Mini-Storage	—	—	—	
D. Container Storage	—	—	—	
E. Salvage/Junk Yards	—	—	—	
Regional Freight Transportation	—	—	—	
Trucking and Truck-Related	—	—	—	
Recycling and Waste-Related				
A. Satellite Recycling Collection Centers	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	
<b>Agriculture and Extractive Activities</b>				
Limited Agriculture	P(L12)	P(L12)	P(L12)	
Extensive Agriculture	C(L13)	C(L13)	C(L13)	
Plant Nursery	C	C	C	
Mining and Quarrying	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	17.102.110

**Limitations on Table 17.35.01:**

**L1. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No**

Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

~~L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~

L2. Except as indicated in Subsection a. below, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building.

- a. Buildings not located within twenty (20) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this Conditional Use Permit requirement.

L3. See Section 17.35.040 for limitations on the construction of new Residential Facilities.

L4. Emergency Shelters are permitted by-right within those portions of San Pablo Avenue and Webster Street corridors described in Section 17.103.015(A)(2)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L3 above.

L5. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L8. No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.35.040 Permitted and conditionally permitted facilities.**

Table 17.35.02 lists the permitted, conditionally permitted, and prohibited facilities in the CC Zzones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.35.02: Permitted and Conditionally Permitted Facilities**

OAKLAND

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Residential Facilities</b>				
One-Family Dwelling	—(L1)	—(L1)	—(L1)(L7)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)(L7)	17.103.080
Two-Family Dwelling	P(L2)	P(L3)	—(L7)	
Multifamily Dwelling	P(L2)	P(L3)	—(L7)	
Rooming House	P(L2)	P(L3)	—(L7)	
Mobile Home	—	—	—(L7)	
<b>Nonresidential Facilities</b>				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	P(L6)	P(L6)	P(L6)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	C	C	
Drive-Through	C(L4)	C(L4)	C(L4)	
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P(L5)	P(L5)	P(L5)	17.128
Mini Telecommunications	P(L5)	P(L5)	P(L5)	17.128
Macro Telecommunications	C	C	C	17.128
Monopole Telecommunications	C	C	C	17.128
Tower Telecommunications	—	—	—	17.128
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

**Limitations on Table 17.35.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. A Secondary Unit may be permitted when there is no more than one (1) existing Primary Unit on a lot, subject to the provisions of Section 17.103.080.

**L3.** Except as indicated in Subsection a. below, construction of new ground floor Residential Facilities is not permitted:

- a. Buildings not located within twenty (20) feet of the principal street frontage and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement.

**L5.** See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

**L7.** All new Residential Facilities are prohibited in the CC-3 Zone, except those serving a permitted or conditionally permitted Emergency Shelter Activity as indicated in Table 17.35.01.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.35.050 Property development standards.**

A. Zone Specific Standards. Table 17.35.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates a standard is not applicable to the specified zone. ~~"—" indicates that a standard is not required in the specified zone.~~

**Table 17.35.03: Property Development Standards**

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Minimum Lot Dimensions</b>				
Lot Width mean	50 ft.	25 ft.	25 ft.	1
Frontage	50 ft.	25 ft.	25 ft.	1
Lot area	7,500 sf.	4,000 sf.	4,000 sf.	1
<b>Minimum/Maximum Setbacks</b>				
Minimum front	0 ft.	0 ft.	0 ft.	2
Maximum front	N/A	10 ft.	N/A	3
Minimum interior side	0 ft.	0 ft.	0 ft.	4, 5
Minimum street side	0 ft.	0 ft.	0 ft.	6
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
<b>Design Regulations</b>				
Minimum ground floor nonresidential facade transparency	N/A	55%	N/A	9

OAKLAND

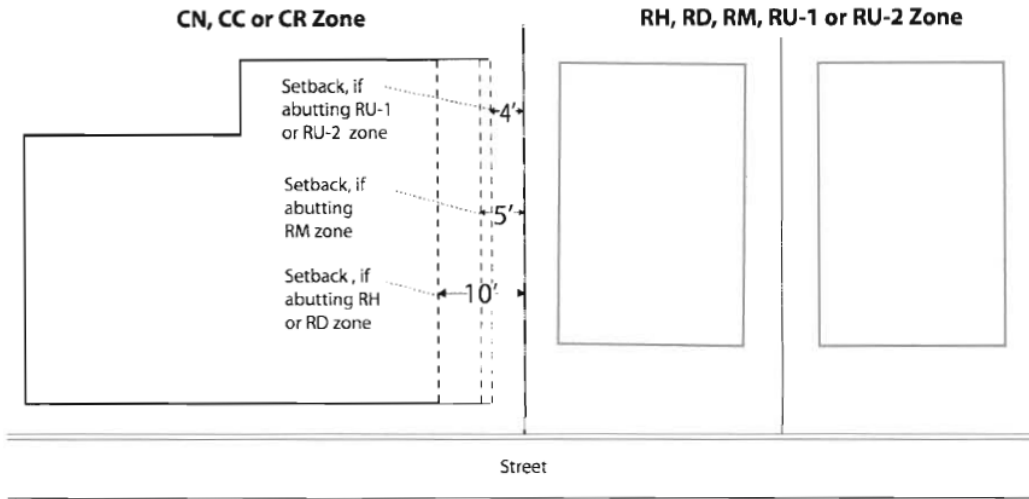
Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Minimum height of ground floor Nonresidential Facilities	N/A	12 ft.	N/A	10
Parking and driveway location requirements	No	Yes	No	11
Ground floor active space requirement	No	Yes	No	12
<b>Height, Floor Area Ratio, Density, and Open Space Regulations</b>	See Table 17.35.04			
<b>Minimum Required Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements			<u>13</u>
<b>Courtyard Regulations</b>	See Section 17.108.120			

**Additional Regulations for Table 17.35.03:**

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Rresidential Zzone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half ( $\frac{1}{2}$ ) of the minimum front setback required in the Rresidential Zzone. If fifty percent (50%) or more of the total frontage is in more than one Rresidential Zzone, then the minimum front setback on the commercially or industrially zoned lots is one-half ( $\frac{1}{2}$ ) of that required in the Rresidential Zzone with the lesser front setback (see Illustration for Table 17.35.03 [Additional Regulation 2], below).
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zzone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zzone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.35.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

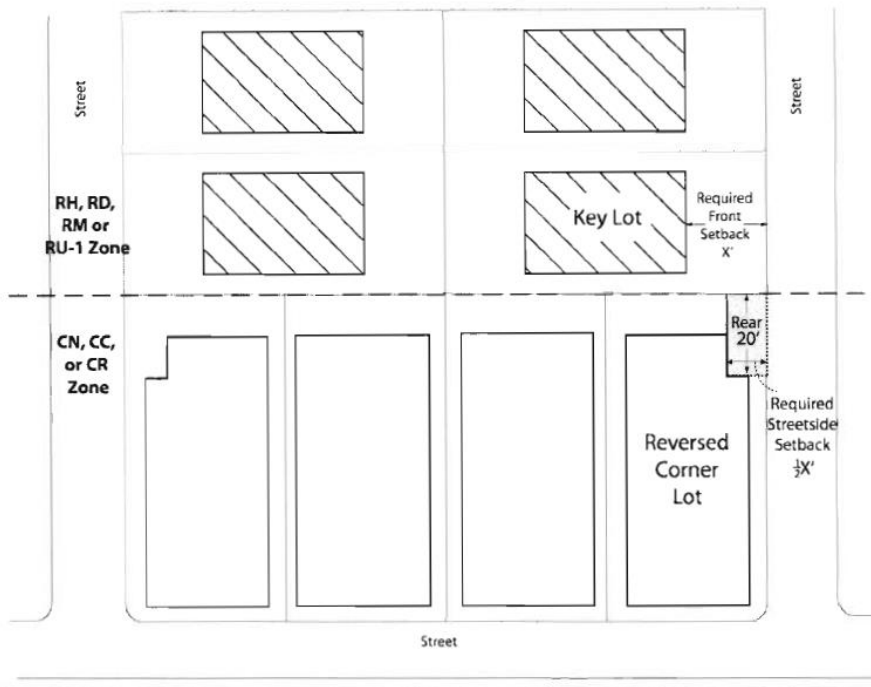
OAKLAND

Illustration for Table 17.35.03 [Additional Regulation 4]  
\*for illustration purposes only



6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ( $\frac{1}{2}$ ) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 64], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.35.03 [Additional Regulation 6]  
\*for illustration purposes only



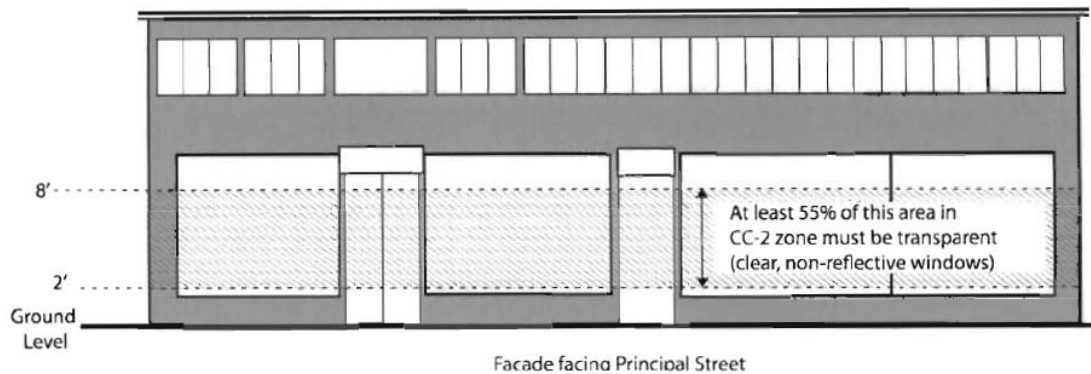
8. When a rear lot line is adjacent to an RH, RD, or RM Zone, or RU-1 zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100)



feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, or RU-1 zone, the required rear setback is ten (10) feet for R Residential Ffacilities and there is no required setback for N Nonresidential Ffacilities.

9. This percentage of transparency is only required for principal buildings that include ground floor N Nonresidential Ffacilities, and only applies to facades facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space, residential space, or lobbies (see Illustration for Table 17.35.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

Illustration for Table 17.35.03 [Additional Regulation 9]  
\*for illustration purposes only



10. This height is only required for new principal buildings located within twenty (20) feet of the principal street frontage and is measured from the sidewalk grade to the ground floor ceiling.

11. For the construction of new principal buildings in the CC-2 Zzone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

12. For the construction of new principal buildings in the CC-2 Zzone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of the principal street except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for non-active spaces that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 11, above.

13. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.

OAKLAND

C. **Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.35.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

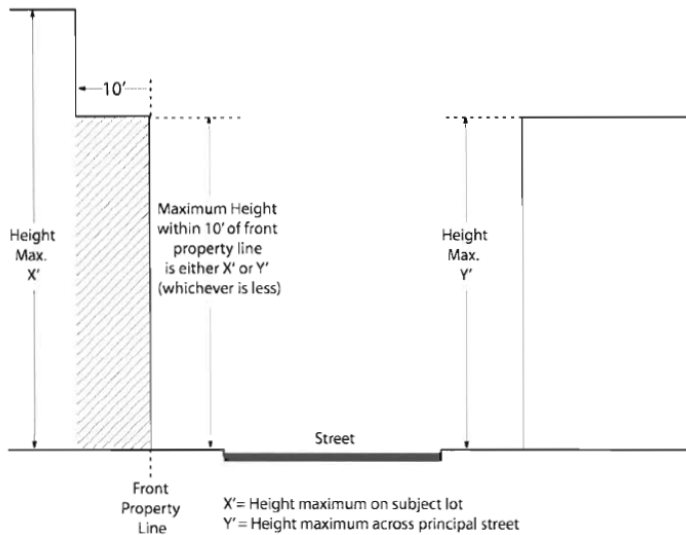
**Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
<b>Maximum Height</b>	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	160 ft.	1, 2
<b>Height Minimum</b>								
Permitted height minimum	N/A 0 ft.	N/A 0 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	3
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>								
Regular units	550	450	375	275	225	225	225	4, 5
Rooming units	275	225	185	135	110	110	110	4, 5
<b>Maximum Nonresidential FAR</b>	2.0	2.5	3.0	4.0	4.5	5.0	5.0	4, 5
<b>Maximum number of stories (not including underground construction)</b>	3	4	5	7	8	11	15	
<b>Minimum Usable Open Space</b>								
Group usable open space per regular unit	150	150	150	150	100	100	100	6
Group usable open space per regular unit when private open space substituted	30	30	30	30	20	20	20	6
Group usable open space per rooming unit	75	75	75	75	50	50	50	6
Group usable open space per rooming unit when private open space is substituted	15	15	15	15	10	10	10	6

**Additional Regulations for Table 17.35.04:**

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.35.04 [Additional Regulation 1], below).

Illustration for Table 17.35.04 [Additional Regulation 1]  
 \*for illustration purposes only



2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; ~~or RU-1 zone~~; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.35.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings in the CC-1 Zzone and buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.

6. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

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

**17.35.060 Special regulations for Mmini-Llot and Planned Unit Developments.**

- A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain regulations that apply to individual lots in the CC Zzones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CC Zzones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.35.070 Other zoning provisions.**

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CC Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CN Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the CC Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS**

**Sections:**

- 17.37.010 Title, intent, and description.
- 17.37.030 Permitted and conditionally permitted activities.
- 17.37.040 Permitted and conditionally permitted facilities.
- 17.37.050 Property development standards.
- 17.37.060 Special regulations for mini-lot and ~~P~~planned ~~U~~unit ~~D~~developments.
- 17.37.070 Other zoning provisions.

**17.37.010 Title, intent, and description.**

The provisions of this Chapter shall be known as the ~~CR\_4~~Regional Commercial (~~CR~~) Zones Regulations. The intent of the Regional Commercial (CR)\_4 Zones is to maintain, support and create areas of the City that serve as region-drawing centers of activities.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.37.030 Permitted and conditionally permitted activities.**

Table 17.37.01 lists the permitted, conditionally permitted, and prohibited activities in the ~~CR\_4~~Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.37.01: Permitted and Conditionally Permitted Activities**

Activities	Zone	Additional Regulations
	CR-1	
<b>Residential Activities</b>		
Permanent	—	
Residential Care	—	
<del>Service-Enriched Permanent</del> Supportive Housing	—	
Transitional Housing	<del>—</del> C(L1)	17.103.010

OAKLAND

Activities	Zone	Additional Regulations
	CR-1	
Emergency Shelter	C(L1)	17.103.010
Semi-Transient	C(L1)	
Bed and Breakfast	—	17.10.125
<b>Civic Activities</b>		
Essential Service	P	
Limited Child-Care Activities	P	
Community Assembly	P	
Recreational Assembly	P	
Community Education	C	
Nonassembly Cultural	P	
Administrative	P	
Health Care	C	
Special Health Care	C(L2)	17.103.020
Utility and Vehicular	C	
Extensive Impact	C	
<b>Commercial Activities</b>		
General Food Sales	P	
Full Service Restaurants	P	
Limited Service Restaurant and Cafe	P	
Fast-Food Restaurant	C	17.103.030 and 8.09
Convenience Market	C	17.103.030
Alcoholic Beverage Sales	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	
Medical Service	P	
General Retail Sales	P	
Large-Scale Combined Retail and Grocery Sales	—	
Consumer Service	P(L3)	
Consultative and Financial Service	P	
Check Cashier and Check Cashing	—	
Consumer Cleaning and Repair Service	P(L4)	

OAKLAND

Activities	Zone	Additional Regulations
	CR-1	
Consumer Dry Cleaning Plant	C	
Group Assembly	C(L6)	
Personal Instruction and Improvement Services	P	
Administrative	P	
Business, Communication, and Media Services	P	
Broadcasting and Recording Services	P	
Research Service	P	
General Wholesale Sales	C	
Transient Habitation	C	17.103.050
Building Material Sales	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	P(L4)	
Automobile and Other Light Vehicle Gas Station and Servicing	P(L4)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L4)	
Taxi and Light Fleet-Based Services	P(L4)(L5)	
Automotive Fee Parking	—(L7)	
Animal Boarding	C	
Animal Care	P	
Undertaking Service	—	
<b>Industrial Activities</b>		
Custom Manufacturing	P(L4)	
Light Manufacturing	P(L4)	
General Manufacturing	C(L4)(L5)	
Heavy/High Impact	—	
Research and Development	P	
Construction Operations	—	
Warehousing, Storage, and Distribution-Related		
A. General Warehousing, Storage and Distribution	P(L4)(L5)	
B. General Outdoor Storage	C(L4)(L5)	
C. Self- or Mini-Storage	C(L4)(L5)	
D. Container Storage	C(L4)(L5)	
E. Salvage/Junk Yards	—	

OAKLAND

Activities	Zone	Additional Regulations
	CR-1	
Regional Freight Transportation	C(L4)(L5)	
Trucking and Truck-Related	C(L4)(L5)	
Recycling and Waste-Related		
A. Satellite Recycling Collection Centers	C(L4)	
B. Primary Recycling Collection Centers	C(L4)(L5)	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	—	
<b>Agriculture and Extractive Activities</b>		
Limited Agriculture	P(L4)(L8)	
Extensive Agriculture	C(L4)(L9)	
Plant Nursery	C(L4)	
Mining and Quarrying	—	
<b>Accessory off-street parking serving prohibited activities</b>	P	17.116.075
<b>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	17.102.110

**Limitations on Table 17.37.01:**

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

**L2.** No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters,~~ Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L6.** No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Rresidential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

**17.37.040 Permitted and conditionally permitted facilities.**

Table 17.37.02 lists the permitted, conditionally permitted, and prohibited facilities in the CR-4 Zzones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.



OAKLAND

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

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

"—" designates facilities that are prohibited.

**Table 17.37.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zone	Additional Regulations
	CR-1	
<b>Residential Facilities</b>		
One-Family Dwelling	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	
Two-Family Dwelling	—(L1)	
Multifamily Dwelling	—(L1)	
Rooming House	—(L1)	
Mobile Home	—(L1)	
<b>Nonresidential Facilities</b>		
Enclosed Nonresidential	P	
Open Nonresidential	P	
Sidewalk Cafe	P	17.103.090
Drive-In	C	
Drive Through	C	
<b>Telecommunications Facilities</b>		
Micro Telecommunications	P(L2)	17.128
Mini Telecommunications	P(L2)	17.128
Macro Telecommunications	C	17.128
Monopole Telecommunications	C	17.128
Tower Telecommunications	—	17.128
<b>Sign Facilities</b>		
Residential Signs	P	17.104
Special Signs	P	17.104
Development Signs	P	17.104
Realty Signs	P	17.104
Civic Signs	P	17.104
Business Signs	P	17.104

OAKLAND

Facilities	Zone	Additional Regulations
	CR-1	
Advertising Signs	—	17.104

**Limitations for Table 17.37.02:**

**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

**L2.** See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.37.050 Property development standards.**

A. **Zone Specific Standards.** Table 17.37.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.37.03: Property Development Standards**

Development Standards	CR-1 <u>Z</u> one	Additional Regulations
<b>Minimum Lot Dimensions</b>		
<u>L</u> ot Width mean	50 ft <sub>2</sub>	1
Frontage	50 ft <sub>2</sub>	1
Lot area	7,500 sf <sub>2</sub>	1
<b>Minimum/Maximum Setbacks</b>		
Minimum front	20 feet on parcels facing a right-of-way of 100 ft <sub>2</sub> or more; 10 feet on parcels facing a right-of-way that is less than 100 feet wide.	2
Minimum interior side	0 ft <sub>2</sub>	3
Minimum street side	0 ft <sub>2</sub>	4
Rear	0/10/15 ft <sub>2</sub>	5
<b>Height and Floor Area Ratio Regulations</b>	See Table 17.37.04	
<b>Minimum Required Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking <u>r</u> equirements	

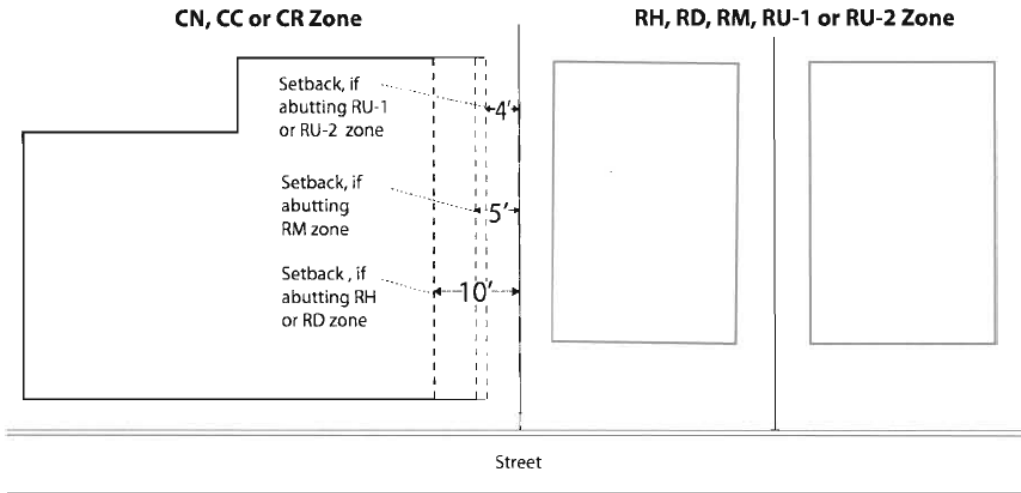
**Additional Regulations for Table 17.37.03:**

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1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. Hegenberger Road, 98th Avenue, and Edgewater Drive each have a right-of-way width of one hundred (100) feet or more. This minimum front yard setback area shall, except for necessary driveways, walkways, and allowable signs, be developed as open landscaped areas with lawn, ground cover, garden, shrubs, trees, or decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. Further, if fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Rresidential Zzone and all or part of the remaining frontage is in any Commercial or Industrial Zzone, the required front setback of the commercially or industrially zoned lots is one-half ( $\frac{1}{2}$ ) of the minimum front setback required in the Rresidential Zzone. If fifty percent (50%) or more of the total frontage is in more than one Rresidential Zzone, then the minimum front setback on the commercially or industrially zoned lots is one-half ( $\frac{1}{2}$ ) of that required in the Rresidential Zzone with the lesser front setback.
3. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zzone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zzone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.37.03 [Additional Regulation 3], below). Also, see Section 17.108.130 for allowed projections into setbacks.

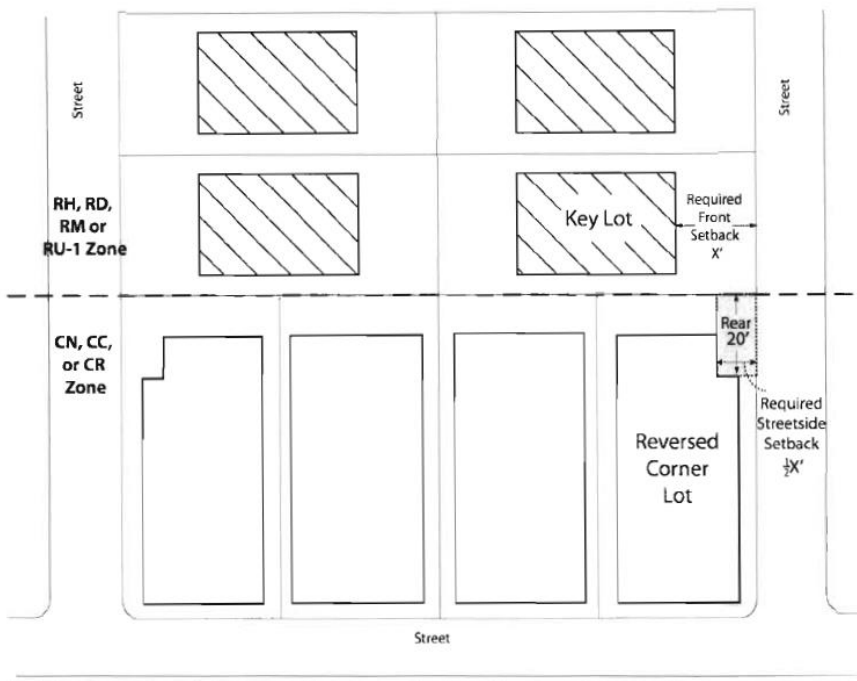
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Illustration for Table 17.37.03 [Additional Regulation 3]  
\*for illustration purposes only



4. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ( $\frac{1}{2}$ ) of the minimum front yard required on the key lot. (see Illustration for Table 17.37.03 [Additional Regulation 4], below) Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.37.03 [Additional Regulation 4]  
\*for illustration purposes only



5. When a rear lot line is adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 zone~~, the required rear setback is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 zone~~, there is no required setback.

B. **Height and Floor Area Ratio (FAR).** Table 17.37.04 below prescribes height and FAR standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

**Table 17.37.04 Height, Floor Area Ratio (FAR), and Open Space Regulations**

Regulation	Height Area							Additional Regulations
	35	45	60	75	90	120	160	
Maximum Height	35 feet	45 feet	60 feet	75 feet	90 feet	120 feet	160 feet	1
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4.0	
Maximum Number of Stories (not including underground construction)	3	4	5	7	8	11	15	

**Additional Regulations for Table 17.37.04:**

1. The height of all structures is subject to Federal Aviation Administration regulations. Also, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone, ~~or RU-1 zone~~; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.37.04 [Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

**17.37.060 Special regulations for Mmini-Lot and Planned Unit Developments.**

A. **Mini-Lot Developments.** In Mmini-Lot Developments, certain regulations that apply to individual lots in the CR Zzones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CR Zzones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.37.070 Other zoning provisions.**

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CR Zzones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CR CN Zzones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the CR Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS**

**Sections:**

17.54.010 Title, purpose, and applicability.

17.54.050 Permitted activities.

17.54.060 Conditionally permitted activities.

17.54.070 Permitted facilities.

17.54.080 Conditionally permitted facilities.

17.54.130 Maximum residential density.

17.54.140 Maximum nonresidential Floor-Area Ratio.

17.54.160 Minimum yards and courts.

17.54.180 Buffering and landscaping.

17.54.190 Special regulations for mini-lot and Planned Unit Developments.

17.54.200 Other zoning provisions.

**17.54.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the C-40 Community Thoroughfare Commercial Zone Regulations. The Community Thoroughfare Commercial (C-40) Zzone is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares. These regulations shall apply in the C-40 Zzone.

(Prior planning code § 4550)

**17.54.050 Permitted activities.**

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

A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Sshelters are permitted by-right within the area surrounding the Third Street corridor described in Section 17.103.015(A)(5) and

subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

E. Agricultural and Extractive Activities:

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

**17.54.060 Conditionally permitted activities.**

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

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

Emergency Shelter

C. Commercial Activities:

Check Cashier and Check Cashing

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Mechanical or Electronic Games

Group Assembly

Personal Instruction and Improvement Services and ~~Small Scale Entertainment~~

Transient Habitation

Animal Care

Animal Boarding

Undertaking Service

**17.54.070 Permitted facilities.**

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

D. Telecommunications Facilities:



Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12224 § 4 (part), 2000; Ord. 12021 § 3, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4555)

#### **17.54.080 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:

C. Telecommunications Facilities:

Macro Telecommunications

Monopole Telecommunications

(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.42 (part), 1996; prior planning code § 4556)

#### **17.54.130 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 (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B 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 (10%) on any corner lot, and may also be exceeded by ten percent (10%) 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 percent (50%) 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 (4) 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 4565)

#### **17.54.140 Maximum nonresidential Ffloor-Aarea Rratio.**

The maximum Ffloor-Aarea Rratio (FAR) of Nonresidential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum FAR floor-area ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio. The maximum permitted Ffloor-Aarea Rratio is 3.00, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- B. Conditionally Permitted Floor-Area Ratio. The Ffloor-Aarea Rratio permitted by Subsection A of this Section may be increased by not to exceed fifty percent (50%) 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.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4567)

#### **17.54.160 Minimum yards and courts.**

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

- A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zone.
- B. Side Yard—Street Side of Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a Residential Zone.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4570)

**17.54.180 Buffering and landscaping.**

- B. Landscaping for Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities. One and one-half percent (1.5%) of the lot area devoted to Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities shall be developed with lawn, ground cover, garden, or shrubs, and one street tree shall be provided for each one hundred (100) feet of street line abutting the lot, subject to the standards for required landscaping and screening in Chapter 17.124.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Prior planning code § 4572)

**17.54.190 Special regulations for Mmini-Lot and Planned Unit Developments.**

- A. **Mini-Lot Developments.** In Mmini-Lot Developments, certain of the regulations otherwise applying to individual lots in the C-40 Zzone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-40 Zzone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 4573)

**17.54.200 Other zoning provisions.**

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-40 Zzone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in C-40 Zzone.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12884 § 2 (part), 2008; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4574)

## Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

### Sections:

17.56.010 Title, purpose, and applicability.

17.56.050 Permitted activities.

17.56.060 Conditionally permitted activities.

17.56.070 Permitted facilities.

17.56.080 Conditionally permitted facilities.

17.56.100 Special regulations applying to Fast-Food Restaurants, Convenience Markets, and certain establishments selling alcoholic beverages.

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

17.56.130 Minimum lot area, width, and frontage.

17.56.140 Maximum residential density.

17.56.150 Maximum Floor-Area Ratio.

17.56.170 Minimum yards and courts.

17.56.200 Special regulations for mini-lot and Planned Unit Developments.

17.56.210 Other zoning provisions.

### 17.56.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the C-45 Community Shopping Commercial Zone Regulations. The Community Shopping Commercial (C-45) Zzone is intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares. These regulations shall apply in the C-45 Zzone.

(Prior planning code § 4600)

### 17.56.050 Permitted activities.

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

#### A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

Semi-Transient

C. Commercial Activities:

E. Agricultural and Extractive Activities:

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

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.32 (part), 1996; prior planning code § 4603)

**17.56.060 Conditionally permitted activities.**

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

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

Emergency Shelter

C. Commercial Activities:

Group Assembly

~~Personal Instruction and Improvement Services and Small Scale Entertainment~~

G. Activities that are listed neither as permitted nor conditionally permitted, but are permitted or conditionally permitted on nearby lots in an adjacent zone, subject to the conditions set forth in Section 17.102.110.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12626 § 4 (part), 2004; Ord. 12450 § 10, 2002; Ord. 12138 § 5 (part), 1999; prior planning code § 4604)

**17.56.070 Permitted facilities.**

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

D. Telecommunications Facilities:

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12224 § 4 (part), 2000; Ord. 12021 § 4, 1997; Ord. 11904 § 5.36 (part), 1996; prior planning code § 4605)

**17.56.080 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:

B. Telecommunications Facilities:

Macro Telecommunications

Monopole Telecommunications

(Ord. 12224 § 3 (part), 2000; Ord. 11904 § 5.41 (part), 1996; prior planning code § 4606)

**17.56.130 Minimum lot area, width, and frontage.**

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

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4614)

**17.56.140 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 (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270\_B 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 (10%) on any corner lot, and may also be exceeded by ten percent (10%) 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 percent (50%) 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 (4) 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 4615)

#### **17.56.150 Maximum Floor-Area Ratio.**

The maximum Floor-Area Ratio (FAR) of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio. The maximum permitted Floor-Area Ratio is 7.00, except that this ratio may be exceeded:
1. By ten percent (10%) on any corner lot; and
  2. By ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot; and
  3. In the case of a Nonresidential Facility, by not to exceed fifteen percent (15%) if one (1) square foot of plaza, conforming to the provisions of Section 17.126.050, is provided for each seven (7) square feet of additional floor area.
- B. Conditionally Permitted Floor-Area Ratio. The Floor-Area Ratio permitted by Subsection A of this Section may be increased by not to exceed fifty percent (50%) 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 (4) stories containing living units, subject to the provisions in Section 17.106.040;
  2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 4617)

**17.56.170 Minimum yards and courts.**

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

- A. **Front Yard.** A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Residential Zone.
- B. **Side Yard—Street Side of Corner Lot.** A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner lot is in a Residential Zone.
- C. **Side Yard—Interior Lot Line.**
  - 1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.
  - 2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. **Rear Yard.**
  - 1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.
  - 2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.
- E. **Courts.** On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

(Prior planning code § 4620)

**17.56.200 Special regulations for Mini-Lot and Planned Unit Developments.**

- A. **Mini-Lot Developments.** In Mini-Lot Developments, certain of the regulations otherwise applying to individual lots in the C-45 Zone may be waived or modified when and as prescribed in Section 17.102.320.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-45 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. 12872 § 4 (part), 2008; prior planning code § 4623)

**17.56.210 Other zoning provisions.**

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



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- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the C-45 Zzone.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in C-45 Zzone.

(Ord. 12884 § 2 (part), 2008; amended during 1997 codification; Ord. 11807 § 3 (part), 1995; prior planning code § 4624)

**Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS** <sup>[25]</sup>**Sections:**

- 17.58.010 Title, purpose, and applicability.
- 17.58.020 Required design review process.
- 17.58.030 Conditional use permit for large-scale developments. ~~projects.~~
- 17.58.040 Permitted and conditionally permitted activities.
- 17.58.050 Permitted and conditionally permitted facilities.
- 17.58.060 Property development standards.
- 17.58.070 Usable open space standards.
- 17.58.080 Other zoning provisions.

**17.58.010 Title, purpose, and applicability.**

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

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

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

**17.58.020 Required design review process.**

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

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

(Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

**17.58.030 Conditional use permit for large-scale developments. projects.**

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

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

**17.58.040 Permitted and conditionally permitted activities.**

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

"**P**" designates permitted activities in the corresponding zone.

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

OAKLAND

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

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

**Table 17.58.01: Permitted and Conditionally Permitted Activities**

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
<b><u>Residential Activities</u></b>					
Permanent	P	P(L1)	P(L1)	P	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	17.103.010
<del>Service-Enriched Permanent</del> <u>Supportive Housing</u>	<del>P</del> C(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C	<del>17.103.010</del>
Transitional Housing	<del>P</del> C(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C	<del>17.103.010</del>
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	17.103.010
Semi-Transient	C	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	17.10.125
<b><u>Civic Activities</u></b>					
Essential Service	P(L17)	P(L17)	P(L17)	P(L17)	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	
Community Assembly	C	C(L6)	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	
Special Health Care	—	C(L6)(L8)	C(L8)	C(L8)	17.103.020
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
<b><u>Commercial Activities</u></b>					
General Food Sales	P(L4)(L7)	P(L4)	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	
Limited Service Restaurant and Cafe	P(L4)(L7)	P	P	P	
Fast-Food Restaurant	—	C	C	C	17.103.030 and 8.09

OAKLAND

<b>Activities</b>	<b>CBD-R</b>	<b>CBD-P</b>	<b>CBD-C</b>	<b>CBD-X</b>	<b>Additional Regulations</b>
Convenience Market	C(L7)	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	C	C	C	
Medical Service	P(L4)(L7)	P(L5)	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L4)(L7) (L9)	P(L4)(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	
Broadcasting and Recording Services Commercial Activities	—	P(L5)	P	P(L4)	
Research Service	P(L4)(L7)	P(L5)	P	P	
General Wholesale Sales	—	—	—	C	
Transient Habitation	C	C(L6)	P	C	17.103.050
Building Material Sales	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	C(L13)	C(L13)	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	C(L13)	C(L13)	
Automotive Fee Parking	C(L14)	C(L14)	C(L14)	C(L14)	

OAKLAND

<b>Activities</b>	<b>CBD-R</b>	<b>CBD-P</b>	<b>CBD-C</b>	<b>CBD-X</b>	<b>Additional Regulations</b>
Animal Boarding	—	—	—	—	
Animal Care	—	C(L6)	C	C	
Undertaking Service	—	—	C	C	
<b><u>Industrial Activities</u></b>					
Custom Manufacturing				C(L13)	
Light Manufacturing				C(L13)	
General Manufacturing				—	
Heavy/High Impact	—	—	—	—	
Research and Development	—	—	C(L13)	C(L13)	
Construction Operations	—	—	—	—	
<b><u>Warehousing, Storage, and Distribution-Related</u></b>					
A. General Warehousing, Storage and Distribution	—	—	—	C(L13)	
B. General Outdoor Storage	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	
<b><u>Recycling and Waste-Related</u></b>					
A. Satellite Recycling Collection Centers	—	—	C	C	
B. Primary Recycling Collection Centers	—	—	—	—	
<b><u>Hazardous Materials Production, Storage, and Waste Management-Related</u></b>					
<b><u>Agricultural and Extractive Activities</u></b>					
Limited Agriculture	P(L15)	P(L15)	P(L15)	P(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	—	—	—	—	
Mining and Quarrying	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	17.116.075

OAKLAND

Activities	CBD-R	CBD-P	CBD-C	CBD-X	Additional Regulations
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	17.102.110

**Limitations:**

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

**L2.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

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

**L5.** If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

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

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

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

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

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

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

**L11.** No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

**L17.** Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**17.58.050 Permitted and conditionally permitted facilities.**

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

"**P**" designates permitted facilities in the corresponding zone.

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

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

"**—**" designates facilities that are prohibited

**Table 17.58.02: Permitted and Conditionally Permitted Facilities**

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Residential Facilities</b>					
One-Family Dwellings	(L1)	—	—	—	
One-Family Dwelling with Secondary Unit	P(L1)	—	—	—	17.103.080



OAKLAND

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Two-Family Dwelling	P	—	—	—	
Multifamily Dwelling	P	P	P	P	
Rooming House	P	P	P	P	
Mobile Home	—	—	—	—	
<b>Nonresidential Facilities</b>					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L3)	C(L3)	C(L3)	C(L3)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	—	—	—	C	
Drive-Through Nonresidential	—	—	—	C(L2)	17.103.100
<b>Telecommunications Facilities</b>					
Micro Telecommunications	C	P	P	P	17.128
Mini Telecommunications	C	P	P	P	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
<b>Sign Facilities</b>					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

**Limitations:**

**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. ~~One-Family Dwellings.~~ A Secondary Unit is only permitted when there is no more than one (1) existing Primary Unit on a lot, subject to the provisions of Section 17.103.080.

**L3.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate ~~Open Nonresidential Facilities accommodating activities other than Civic~~

OAKLAND

Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)

**17.58.060 Property development standards.**

A. **Zone Specific Standards.** Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

**Table 17.58.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Minimum Lot Dimensions</b>					
Lot Width <u>mean</u>	25 ft.	25 ft.	50 ft.	50 ft.	1
Frontage	25 ft.	25 ft.	50 ft.	50 ft.	1
Lot area	4,000 sf.	4,000 sf.	7,500 sf.	7,500 sf.	1
<b>Minimum/Maximum Setbacks</b>					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front and street side for the first story	<u>N/A</u> <del>None</del>	5 ft.	5 ft.	10 ft.	3
Maximum front and street side for the second and third stories or 35 ft., whatever is lower	<u>N/A</u> <del>None</del>	5 ft.	5 ft.	<u>N/A</u> <del>None</del>	3
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	4
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	
Rear	10 ft.	0 ft.	0 ft.	0 ft.	5
<b>Design Regulations</b>					
Ground floor commercial facade transparency	55%	65%	55%	55%	6
Minimum height of the ground floor <u>Nonresidential Facilities</u>	15 ft.	15 ft.	15 ft.	15 ft.	7
Minimum separation between the grade and ground floor living space	2.5 ft.	<u>N/A Not</u> <del>Applicable</del>	<u>N/A Not</u> <del>Applicable</del>	2.5 ft.	8

**Additional Regulations:**

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty percent (50%) or more of the frontage on the same block and side of the street is in a Residential Zone.

**3.** The following notes apply to the maximum yard requirements:

**a.** The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.

**b.** The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities, Agricultural Activities, or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.

**c.** In the CBD-P, CBD-C, and CBD-X Zzones, these maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of Rregular design review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section 17.136.050, the proposal must also meet each of the following criteria:

**i.** Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;

**ii.** The proposal will not impair a generally continuous wall of building facades;

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

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

**4.** In the CBD-R Zzone, portions of a building over fifty-five (55) feet in height shall have a setback of at least one (1) foot from the required interior side yard for every five (5) feet that portion is above fifty-five (55) feet. This setback, however, need not exceed forty (40) feet. Also, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally-required living room window. See Section 17.108.130 for allowed projections into required yards.

**5.** In the CBD-R Zzone, portions of a building over fifty-five (55) feet shall setback at least one (1) foot from the required rear yard for every five (5) feet that portion is above fifty-five (55) feet. This regulation shall not apply when the rear yard faces a street. This setback, however, need not exceed forty (40) feet. The following other minimum rear yard setback regulations apply in all CBD Zzones:

**a.** A minimum ten (10) foot rear yard setback is required whenever a rear lot line abuts any portion of a lot in a Residential Zzone; and

**b.** See Section 17.108.130 for allowed projections into required yards.

**6.** This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. On all other street facing facades, the requirement is one-half (½) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique

OAKLAND

facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

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

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

1. **Entrance.** Newly constructed principal buildings shall have at least one prominent pedestrian entrance facing the principal street. Entrances at building corners facing the principal street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of projecting or recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for Nonresidential Facilities shall be at grade.
3. **Active Space Requirement.** For newly-constructed principal buildings, parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the ground floor of the principal building except for incidental entrances to such activities elsewhere in the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Subsection (E4).

C. **Height, Bulk, and Intensity.** Table 17.58.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in Map 17.58A (see Section 17.58.080). The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified Height/Bulk/Intensity Area.

**Table 17.58.04 Height, Density, Bulk, and Tower Regulations**

Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
<b>Maximum Density (Square Feet of Lot Area Required Per Unit)</b>								
Dwelling unit	300	200	90	90	90	90	90	1,2
Rooming unit	150	100	45	45	45	45	45	1,2
Maximum Floor Area Ratio	4.5	6.0	8.0	14.0	17.0	20.0	20.0	2
<b>Maximum Height</b>								
Building base	55 ft.	85 ft.	55 ft.	85 ft.	85 ft.	85 ft.	120 ft.	3

OAKLAND

Regulation	Height/Bulk/Intensity Area							Notes
	1	2	3	4	5	6	7	
Total	55 ft. No tower permitted	85 ft. No tower permitted	170 ft.	275 ft.	400 ft.	No height limit	No height limit	3
<b>Minimum Height</b>								
New principal buildings	N/A None	N/A None	N/A None	45 ft.	45 ft.	45 ft.	45 ft.	4
<b>Maximum Lot Coverage</b>								
Building base (for each story)	N/A Not applicable	N/A Not applicable	100% of site area	100% of site area	100% of site area	100% of site area	100% of site area	
Average per story lot coverage above the building base	N/A Not applicable	N/A Not applicable	50% of site area or 7,500 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	75% of site area or 10,000 sf., whichever is greater	85% of site area or 10,000 sf., whichever is greater	56
<b>Tower Regulations</b>								
Maximum average area of floor plates	N/A Not applicable	N/A Not applicable	10,000 sf.	15,000 sf.	20,000 sf.	25,000 sf.	No maximum	6
Maximum tower elevation building length	N/A Not applicable	N/A Not applicable	115 ft.	150 ft.	175 ft.	195 ft.	No maximum	7
Maximum diagonal length	N/A Not applicable	N/A Not applicable	145 ft.	180 ft.	210 ft.	235 ft.	No maximum	
Minimum distance between towers on the same lot	N/A Not applicable	N/A Not applicable	40 ft.	40 ft.	40 ft.	40 ft.	No minimum	

**Notes:**

1. See Chapter 17.107 for affordable and senior housing density incentives.
2. For mixed use projects in the Central Business District (CBD) Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
3. In Height Areas 4, 5, and 6, lots having frontage on Broadway, San Pablo Avenue, or Telegraph Avenue where the width of the right-of-way is greater than eighty-five (85) feet shall have a maximum base height equal to the width of that right-of-way. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030.
5. The average floor area of the stories above the base cannot exceed this percentage of lot area, with the following qualifications:
  - a. When a project contains more than one tower above the base, the floor area of a story is calculated by adding the square footages of the equivalent story in each tower. For example, if there are two towers above the base and the 5th story of one tower is fifteen thousand (15,000) square feet and the 5th story of the other tower is twenty thousand (20,000) square feet, then the total floor area of the 5th story is thirty-five thousand (35,000) square feet.
  - b. To allow a variety of articulation in a building, the floor area of an individual story can be as much as fifteen percent (15%) greater than the maximum average per story floor area above base.
  - c. A story that is more than fifteen percent (15%) less than the maximum average floor area is not included in the average per story floor area above the base.
6. The average floor plate of an individual tower cannot exceed this area, with the following qualifications:
  - a. The floor area of an individual tower floor plate cannot be more than fifteen percent (15%) greater than the maximum average tower floor plate.
  - b. An individual tower floor plate that is more than fifteen percent (15%) less than the maximum average tower floor plate is not included in the maximum average tower floor plate area calculation.
7. The following regulation applies to lots that both: 1) are designated as Special Area A on Map 17.58; and 2) have either a west or east side property line that is more than ninety (90) feet in length: the cumulative building length of the east or west elevation of all towers on such a lot shall be no more than two-thirds (2/3) the length of any east or west side property line.

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

**17.58.070 Usable open space standards.**

- A. General. This Section contains the usable open space standards and requirements for residential development in the CBD Zones. These requirements shall supersede those in Chapter 17.126.
- C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:
  - 1. Area. On each lot containing Residential Facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit.
  - 2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

**Table 17.58.05: Required Dimensions of Usable Open Space**

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

**Note:**

a.4. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

- 5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
- 6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

**17.58.080 Other zoning provisions.**

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

(Ord. No. 13042, § 4(Exh. A), 10-19-2010)



**Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS****Sections:**

- 17.65.010 Title, purpose, and applicability.
- 17.65.020 Required design review process.
- 17.65.030 Permitted, conditionally permitted, and prohibited activities.
- 17.65.040 Permitted and conditionally permitted facilities.
- 17.65.050 Reserved.
- 17.65.060 Minimum lot area width and frontage.
- 17.65.070 Maximum density.
- 17.65.080 Maximum floor area ratio.
- 17.65.090 Maximum density and Floor-Area Ratio for mixed use projects.
- 17.65.100 Maximum height.
- 17.65.110 Minimum yards and courts.
- 17.65.120 Minimum usable open space.
- 17.65.130 Landscaping, paving, and buffering.
- 17.65.140 Outdoor storage.
- 17.65.150 Special regulations for HBX Work/Live units.
- 17.65.160 Special regulations for HBX Live/Work units.
- 17.65.170 Special regulations for Mini-Lot and Planned Unit Developments.
- 17.65.180 Other zoning provisions.

**17.65.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the HBX Housing and Business Mix Commercial Zones Regulations. This Chapter establishes land use regulations for the HBX-1, HBX-2, HBX-3, and HBX-4 Zones.

The purposes of the Housing and Business Mix (HBX) Zones are to:

- A. Allow for mixed use districts that recognize both residential and business activities;
- B. Establish development standards that allow residential and business activities to compatibly co-exist;
- C. Provide a transition between industrial areas and residential neighborhoods;
- D. Encourage development that respects environmental quality and historic patterns of development;
  - 1. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

**Housing and Business Mix - 1 (HBX-1) Zone.** The HBX-1 Zone is intended to provide development standards that provide for the compatible coexistence of industrial and heavy commercial activities and medium density residential development. This zone recognizes the equal importance of housing and business.

**Housing and Business Mix - 2 (HBX-2) Zone.** The HBX-2 Zone is intended to provide development standards for areas that have a mix of industrial, certain commercial and medium to high density residential development. This zone recognizes the equal importance of housing and business.

**Housing and Business Mix - 3 (HBX-3) Zone.** The HBX-3 Zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.

**Housing and Business Mix - 4 (HBX-4) Zone.** The HBX-4 Zone is intended to provide development standards for Live/Work, Work/Live, and housing in areas with a strong presence of industrial and heavy commercial activities.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

**17.65.020 Required design review process.**

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- B. Conformance to the "HBX Design Guideline Manual" is required for any change to the exterior of a building that requires a building permit in the HBX Zones.
- C. Where there is a conflict between the design review criteria contained in Section 17.136.070 the design objectives contained in the "HBX Design Guideline Manual" the design objectives in the "HBX Design Guideline Manual" shall prevail.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12772 § 1 (part), 2006)

\* Editor's Note— The "HBX Design Guidelines Manual," referred to in this Chapter, is incorporated by reference as if fully set forth herein by Section 2 of Ordinance 12772. A copy of this manual is kept on file in the Oakland City Hall.

**17.65.030 Permitted, conditionally permitted, and prohibited activities.**

The following table lists the permitted, conditionally permitted, and prohibited activities in the HBX Zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

"P" designates permitted activities in the corresponding zone.

OAKLAND

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

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

"—" designates uses that are prohibited in the corresponding zone.

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
<b>Residential Activities</b>					
Permanent Residential	P	P	P	P	17.65.040
Residential Care	P(L1)	P(L1)	P(L1)	<del>P(L1)</del> €	17.103.010
<del>Service-Enriched Permanent</del> Supportive Housing	<del>P</del> €	<del>P</del> €	<del>P</del> €	<del>P</del> €	<del>17.103.010</del>
Transitional Housing	<del>P</del> €	<del>P</del> €	<del>P</del> €	<del>P</del> €	<del>17.103.010</del>
Emergency Shelter	C	P(L2)	C	C	17.103.010
Semi-Transient Residential	C	C	C	C	17.103.010
Bed and Breakfast	—	—	—	C	17.12.125
<b>Civic Activities</b>					
Essential Service	P(L16)	P(L16)	P(L16)	P(L16)	
Limited Child-Care	P	P	P	P	
Community Assembly	P(L3)	P(L3)	P(L3)	P(L3)	
Recreational Assembly	P(L3)	P(L4)	P(L4)	P(L4)	
Community Education	C	C	C	C	
Nonassembly Cultural	P(L4)	P(L4)	P(L4)	P(L4)	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	
Health Care	C	C	C	C	
Special Health Care	C(L6)	C(L6)	C(L6)	C(L6)	17.103.020
Utility and Vehicular	C	C	C	C	
Extensive Impact	C	C	C	C	
<b>Commercial Activities</b>					
General Food Sales	P(L3)	P(L3)	P(L3)	P(L3)	
Full Service Restaurant	P(L5)	P(L5)	P(L5)	P(L3)	
Limited Service Restaurant and Cafe	P(L5)	P(L5)	P(L5)	P(L3)	
Fast-Food Restaurant	—	—	—	—	17.103.030
Convenience Market	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C	17.103.030

OAKLAND

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Mechanical or Electronic Games	C	C	C	C	
Medical Service	P(L4)	P(L4)	P(L4)	P(L4)	
General Retail Sales	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L7)	P(L7)	P(L7)	P(L7)	
Consultative and Financial Service	P(L4)	P(L4)	P(L4)	P(L4)	
Check Cashier and Check Cashing	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	C	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	C	
Group Assembly	C(L8)	C(L8)	C(L8)	C(L8)	
Personal Instruction and Improvement Services	C	C	C	P	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	
Business, Communication, and Media Service	P	P	P	P	
Broadcasting and Recording Service	P	P	P	P	
Research Service	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
General Wholesale Sales	P(L4)	P(L4)	P(L4)	P(L4)	
Transient Habitation	—	—	—	C	17.103.050
Building Material Sales	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
Automotive and other Light Vehicle Sales and Rental	—	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L11)	—	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—(L11)	—	—	C(L9)	
Taxi and Light Fleet-Based Service	C	C	C	C	
Automotive Fee Parking	—	—	—	—	
Animal Boarding	C(L15)	C(L15)	C(L15)	C(L15)	
Animal Care	C	C	C	C	
Undertaking Service	—	—	—	—	
<b>Industrial Activities</b>					

OAKLAND

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Custom Manufacturing	P(L4)	P(L4)	P(L4)	P(L4)	17.120
Light Manufacturing	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	17.120
General Manufacturing	—	—	—	P(L3)(L9)	
Heavy/High Impact Manufacturing	—	—	—	—	
Research and Development	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	P(L4)(L9)	
Construction Operations	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	P(L9)(L10)	
<b>Warehousing, Storage and Distribution-Related</b>					
A. General Warehousing, Storage and Distribution	P(L3)(L9)	P(L3)(L9)	P(L3)(L9)	P(L4)(L9)	
B. General Outdoor Storage	C	C	C	C	
C. Self- or Mini-Storage	C(L12)	C(L12)	C(L12)	C(L12)	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—		—	
<b>Recycling and Waste-Related</b>					
A. Satellite Recycling Collection Centers	—	—	—	—	
A. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	
<b>Agricultural and Extractive Activities</b>					
Plant Nursery	C	C	C	C	
Limited Agriculture	P(L13)	P(L13)	P(L13)	P(L13)	
Extensive Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	
Mining and Quarrying Extractive	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	17.116.175
<b>Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof</b>	C	C	C	C	17.102.110

**Limitations:**

**L1.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

~~L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.~~

**L6.** No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L8.** No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities.

**L9.** Outdoor principal activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134).

**L10.** This activity shall only permitted upon the granting of a conditional use permit (see Chapter 17.134) if it is on a lot that is more than twenty-five thousand (25,000) square feet, ~~or larger,~~ or covers more than twenty-five thousand (25,000) square feet ~~or more~~ of lot area.

**L11.** Except on Lowell Street, a nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 Zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the Regular design review procedure (see Chapter 17.136). This conditional use permit and Regular design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding Residential Activities through landscaping and fencing. See Section 17.114 for general regulations regarding nonconforming uses.

**L12.** All facilities containing Self- or Mini-Storage activities shall meet the following requirements:

1. No more than twenty percent (20%) of the total floor area on a lot shall be occupied by facilities containing Self- or Mini-Storage activities.
2. No facility that includes a Self- or Mini-Storage Activity shall be within the front twenty (20) feet of a building.
3. Projects that include self-storage establishments shall have a minimum fifty percent (50%) of lot frontage occupied by Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities on the ground floor. These ground floor activities shall not be directly associated with the self-storage establishment at the site.

**L16.** Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**17.65.040 Permitted and conditionally permitted facilities.**

For the purposes of this Chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in the table below are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

1. **"Live/Work"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Live/Work unit is intended to accommodate both Residential and Nonresidential Activities.
2. **"Work/Live"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit is intended to accommodate a primary Nonresidential Activity with an accessory residential component.

The following table lists regulations relating to certain facilities. The descriptions of these facilities are contained in Chapter 17.10.

"**P**" indicates that the facility is permitted in the corresponding zone.

"**C**" indicates that the facility is only permitted upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

"**—**" designates uses that are prohibited in the corresponding zone.

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
<b>Residential Facilities</b>					
One-Family Dwellings	P	P(L3)	P(L3)	C(L3)	
One-Family Dwelling with Secondary Unit	P	P	P	C	17.103.080
Two-Family Dwelling	P	P	P	C	
Multifamily Dwelling	P	P	P	C	
Rooming House	P	P	P	C	
Mobile Home	—	—	—	C	
Live/Work	P	P	P	P	17.65.160
<b>Nonresidential Facilities</b>					

OAKLAND

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L2)	C(L2)	C(L2)	C(L2)	
Work/Live	P	P	P	P	17.65.150
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In Nonresidential	P	P	P	C	
Drive-Through Nonresidential	C(L1)	C(L1)	C(L1)	C(L1)	17.103.100
<b>Telecommunications Facilities</b>					
Micro Telecommunications	C	C	C	C	17.128
Mini Telecommunications	C	C	C	C	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
<b>Sign Facilities</b>					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

**Limitation:**

**L1.** No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

**L2.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L3.** In the HBX-2, HBX-3, and HBX-4 Zones, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a conditional use permit (see Chapter 17.134). This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.



OAKLAND

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

**17.65.060 Minimum lot area width and frontage.**

The following table contains the minimum lot area, width, and frontage requirements for the zones in this Chapter.

Standard	Zones			
	HBX-1	HBX-2	HBX-3	HBX-4
Minimum lot area	4,000 sf <sub>2</sub>	4,000 sf <sub>2</sub>	4,000 sf <sub>2</sub>	4,000 sf <sub>2</sub>
Minimum lot width mean	35 ft <sub>2</sub>	35 ft <sub>2</sub>	35 ft <sub>2</sub>	35 ft <sub>2</sub>
Minimum lot frontage	35 ft <sub>2</sub>	35 ft <sub>2</sub>	35 ft <sub>2</sub>	35 ft <sub>2</sub>

**Note:**

See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations. Lots that do not meet the standards described above may be developed if they meet the requirements described in Subsection 17.106.010.A and all other applicable requirements.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872, § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

**17.65.070 Maximum density.**

The following table contains the maximum number of living units allowed per lot for the zones in this Chapter.

Living Unit Type	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Dwelling Unit	1,000 sf <sub>2</sub> of lot area per unit	930 sf <sub>2</sub> of lot area per unit	730 sf <sub>2</sub> of lot area per unit	800 sf <sub>2</sub> of lot area per unit
Rooming Unit	500 sf <sub>2</sub> of lot area per unit	465 sf <sub>2</sub> of lot area per unit	365 sf <sub>2</sub> of lot area per unit	400 sf <sub>2</sub> of lot area per unit

**Notes:**

1. See (1) Section ~~17.103.080~~ ~~17.103.070~~ for regulations regarding Secondary Units; (2) Chapter 17.107 for affordable housing density incentives; and (3) Section 17.106.060 for increased density for senior housing.

~~2. New construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a conditional use permit (see Chapter 17.134) in the HBX-2, HBX-3, and HBX-4 Zones. This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.~~

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

**17.65.080 Maximum floor area ratio.**

A. The following table contains the maximum Floor Area Ratios (FARs) for all structures for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum Floor Area Ratio (FAR)	1.75	2.5 when the lot abuts a street right-of-way that is less than 80 ft. wide; 3.0 otherwise.	2.5 permitted; 3.0 may be allowed upon the granting of a conditional use permit.	2.5 permitted; 3.0 may be allowed upon the granting of a conditional use permit.

**Notes:**

1. Under no circumstances shall a project exceed the maximum ~~se~~-FARs for all structures listed in this table or the Nonresidential FARs listed in Subsection B.

2. See Section 17.65.090 for how to calculate Floor Area Ratio (FAR) in mixed use projects.

3. A conditional use permit for an FAR of up to 3.0 in the HBX-3 and HBX-4 Zzones may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

a. That the scale of buildings is reduced through the articulation and massing of street facing façades into a series of smaller forms.

b. That the additional Floor Area Ratio does not significantly decrease the solar access of existing adjacent single family homes or duplexes to a degree greater than would be created if the facility were built according to the base FAR.

B. The following table contains the maximum Floor Area Ratios (FARs) for Nonresidential Facilities for the zones in this Chapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Nonresidential FAR	1.75	3.0	1.0	2.5

**Notes:**

1. Under no circumstances shall a project exceed the maximum Nonresidential FARs listed in this table or the FARs for all structures listed in Subsection A.

2. See Section 17.65.090 for how to calculate FAR in mixed use projects.

(Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

**17.65.090 Maximum density and Floor-Area Ratio for mixed use projects.**

A. This Section shall only apply to the following two (2) types of mixed use projects:

OAKLAND

1. Projects that have at least twenty percent (20%) of its total floor area devoted to Nonresidential Facilities or
2. Projects that:
  - a. Are on lots that are fifty (50) feet wide or less and
  - b. Have a minimum fifty percent (50%) of lot frontage occupied by Ground Floor Convenience Sales and Service, General Food Sales, General Retail Sales, and/or General Personal Service Commercial Activities. This commercial floor area must be at least twenty (20) feet deep measured from the building frontage and be within an enclosed building. Projects on through lots require this minimum fifty percent (50%) on only the longest lot frontage to qualify as a mixed use project for this Section.

B. For projects described in Subsection A, the maximum number of units permitted on a lot shall not be affected by the nonresidential floor area provided on the same lot. Conversely, for these projects the maximum floor area allowed on a lot shall not be affected by the number of living units provided on the same lot. For projects described in Subsection A, this Subsection supersedes the requirements in Section 17.106.030

C. Section 17.106.030 B describes how to calculate maximum density and floor -area ratio for mixed use projects not included in Subsection A.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12772 § 1 (part), 2006)

**17.65.100 Maximum height.**

A. The following table contains the maximum heights for the zones in this Cchapter.

Standard	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4
Maximum height	35 ft.*	45 ft. when the lot abuts a street right-of-way that is less than 80 ft. wide; 55 ft. when the lot abuts a street right-of-way that is 80 ft. wide or more.	55 ft.	55 ft.

**Notes:**

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, or RM Residential Zzone. This maximum height shall increase one (1) foot for every foot of distance from this setback line. Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

2. See Subsection (B) for situations when exceeding these maximum heights may be permitted.

3. On Lowell Street, any building height over thirty (30) feet requires the granting of a conditional use permit (see Chapter 17.134).

- B. Structures that are: 1) on lots adjacent to, or directly across the street from a freeway right-of-way or Bay Area Rapid Transit (BART) right-of-way that contains above-ground tracks; and 2) located within the closest one hundred twenty-five (125) feet of the lot from the freeway or BART right-of-way are eligible for a seventy five (75) foot height limit. This additional height is permitted only upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the Rregular design review procedure (see Chapter 17.136) and in conformance with the "Design Guidelines for the HBX Zzones" as a whole. In particular, the project shall conform to Guideline 4.6 of that document.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; Ord. 12776, § 3, Exh. A (part), 2006; Ord. 12772, § 1 (part), 2006)

**17.65.110 Minimum yards and courts.**

- A. Minimum yards shall be consistent with the "Design Guidelines for the HBX Zzones" as adopted by the City Council.
- B. A minimum ten (10)-foot rear yard depth is required when a rear lot line abuts any portion of a lot in a Residential Zzone. Also, see Section 17.108.110 for reduced required rear yard depth next to an alley.
- C. See Section 17.108.080 for the required interior side yard width on a lot containing two (2) or more living units and opposite a legally required living room window.
- D. When the rear yard of a reversed corner lot abuts a key lot that is in a Residential Zzone, the required street side yard width of the reversed corner lot is one-half ( $\frac{1}{2}$ ) of the minimum front yard depth required on the key lot (see illustration 1-12a).
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120

(Ord. 12872 § 4 (part), 2008)

**17.65.120 Minimum usable open space.**

The following table contains the minimum usable open space requirements per dwelling unit for the zones in this Chapter.

Zone			
HBX-1	HBX-2	HBX-3	HBX-4
200 sf./unit	150 sf./unit	150 sf./unit	100 sf./unit

**Note:**

Usable open space is only required on lots with two (2) or more dwelling units, ~~or more~~, and not required for a One-Family Dwelling with Secondary Unit. ~~single family homes with secondary units~~. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot.

(Ord. 12872 § 4 (part), 2008)

#### **17.65.130 Landscaping, paving, and buffering.**

- A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility (see Section 17.09.040 for definition), excluding Ssecondary Units of five hundred (500) square feet or less, and for additions to existing building facilities of over five hundred (500) square feet.

#### **17.65.140 Outdoor storage.**

The outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: 1) the storage is within fifteen (15) feet from any property line of a lot containing Residential Activities, and 2) the storage faces any windows of a Residential Facility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the "Design Guidelines for the HBX Zones" as adopted by the City Council.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12772, § 1 (part), 2006)

#### **17.65.150 Special regulations for HBX Work/Live units.**

- A. Definitions. The following definitions apply to this Chapter only:
1. In the HBX-4 Zone, an "HBX Work/Live unit" shall be considered a Commercially/ Industrially Oriented Joint Living and Working Quarter under the Building Code. Any building permit plans for the construction or establishment of HBX Work/Live units in the HBX-4 Zone shall: (a) clearly state that the proposal includes Commercially/Industrially Oriented Joint Living and Working Quarters, and (b) label such units as Commercially/ Industrially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow a certain level of industrial activities in HBX-4 Work/Live units.
  2. In the HBX-1, HBX-2, and HBX-3 Zones, an "HBX Work/Live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX Work/Live unit in the HBX-1, HBX-2, and HBX-3 Zones accommodates both Residential and Nonresidential Activities, but emphasizes the accommodation of commercial activities. Such HBX Work/Live units shall meet all applicable regulations contained in this Section.
- B. The establishment of an HBX Work/Live unit is permitted in the HBX Zones if it meets and is consistent with the regulations and definitions contained in this Section.
- C. In the HBX-1, HBX-2, and HBX-3 Zones, regulations in this Section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this Chapter relating to HBX Work/Live units shall supersede the regulations contained in Section 17.102.190.

OAKLAND

D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Work/Live unit; the minimum size of an HBX Work/Live unit; and the parking, loading, and open space required for each HBX Work/Live unit:

Standard	Requirement		Note
Activities allowed in an HBX <u>W</u> ork/ <u>L</u> ive unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a <u>R</u> esidential <u>F</u> acility (See Chapter 17.112)		
Required parking	One <u>(1)</u> parking space per unit.		1
Required bicycle parking	<b>With private garage for each unit:</b>	<b>Without private garage for each unit:</b>	2
	One <u>(1)</u> short-term space for each 20 dwelling units; minimum requirement is two <u>(2)</u> short-term spaces.	One <u>(1)</u> long-term space for each four <u>(4)</u> dwelling units; minimum requirement is two <u>(2)</u> long-term spaces. One <u>(1)</u> short-term space for each 20 dwelling units; minimum requirement is two <u>(2)</u> short-term spaces.	
Required loading	<b>Square feet of facility</b>	<b>Requirement</b>	3
	Less than 25,000 square feet	No berth required	
	25,000—69,999 square feet	One <u>(1)</u> berth	
	70,000—130,000 square feet	Two <u>(2)</u> berths	
	Each additional 200,000 square feet	One <u>(1)</u> additional berth	
Residential Density	Not applicable because HBX <u>W</u> ork/ <u>L</u> ive units are <u>N</u> onresidential <u>F</u> acilities.		
Required usable open space	75 square feet of usable open space per unit		
Minimum size of unit	No individual unit shall be less than eight hundred (800) square feet of floor area		

**Notes:**

1. See Chapter 17.116 for other off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. Also, all required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space for HBX Work/Live units may be provided above ground.

E. Each new HBX Work/Live unit shall qualify as at least one of the following Unit Types:

OAKLAND

Unit Type	Maximum residential floor area (percent of total floor area)	Special requirements	Separation between residential and nonresidential floor area
Type 1	One-third	In the HBX-4 Zone, all remaining floor area to be used for the primary <u>N</u> on-residential <u>A</u> ctivity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 2	45 percent	There must be two entrances into the ground floor units - one adjacent to the residential space and the other adjacent to the nonresidential space; the nonresidential ground floor entrance must be clearly designated as a business entrance separate from the residential entrance and be directly accessible by the public.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).
Type 3	55 percent	1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and 2. The ground floor units must have a clearly designated business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall (see Note 1, below, for an exception for kitchens).

**Notes:**

1. In Types 1, 2, and 3, a kitchen may be open to non-residential floor area if it is adjacent to and directly accessible from residential floor area or stairs that lead to residential floor area. Counters, cabinets, sink and appliances and the floor area that is four (4) feet in front of these items shall be considered residential floor area.

2. Except as indicated for the HBX-4 Zone, see Section 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.

I. For any HBX Work/Live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold; and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

1. The unit is in a Nonresidential Facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

2. Each unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

K. HBX Work/Live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.

L. **Regular Design Review Criteria.** Regular design review approval for HBX Work/Live units may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily HBX Work/Live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.

2. That a building containing HBX Work/Live units has Nonresidential Activities and nonresidential floor area on the ground floor or level and at street fronting elevations.

3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.

4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, roll-up doors, a business door oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.

5. That the layout of nonresidential floor areas within a unit provides a functional open area for working activities.

6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:

- a. Service elevators designed to carry and move oversized items,
- b. Stairwells wide and/or straight enough to deliver large items,
- c. Loading areas located near stairs and/or elevators and
- d. Wide corridors for the movement of oversized items.

7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.

#### 17.65.160 Special regulations for HBX Live/Work units.

A. Definition. "HBX Live/Work unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. An HBX live/work unit accommodates both Residential and Nonresidential Activities. An HBX live/work unit meets all applicable regulations contained in this Section.

B. The establishment of an HBX Live/Work unit is permitted in the HBX Zones if it meets and is consistent with the regulations and definitions contained in this Section.



OAKLAND

- C. In the HBX-1, HBX-2, and HBX-3 Zones, regulations in this Section do not supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters. In the HBX-4 Zone, however, regulations in this Chapter relating to HBX Live/Work units shall supersede the regulations contained in Section 17.102.190.
- D. Activity, parking, bicycle parking, loading, open space, and unit size standards. The following table contains the activities allowed in an HBX Live/Work unit, required off-street auto parking, required bicycle parking, the minimum size of an HBX Live/Work unit, and the loading and open space for each HBX Live/Work unit:

Standard	Requirement		Note
Activities allowed in an HBX <u>L</u> ive/ <u>W</u> ork unit	Same permitted and conditionally permitted activities as described in Section 17.65.030 and any activity that would qualify as a home occupation in a <u>R</u> esidential <u>F</u> acility (See Chapter 17.112)		
Required parking	One <u>(1)</u> parking space per unit		1
Required bicycle parking	<b>With private garage for each unit:</b>	<b>Without private garage for each unit:</b>	
	One <u>(1)</u> short-term space for each 20 dwelling units; minimum requirement is two <u>(2)</u> short-term spaces.	One <u>(1)</u> long-term space for each four <u>(4)</u> dwelling units; minimum requirement is two <u>(2)</u> long-term spaces. One <u>(1)</u> short-term space for each 20 dwelling units; minimum requirement is two <u>(2)</u> -short-term spaces.	2
Required loading	<b>Square feet of facility</b>	<b>Requirement</b>	
	Less than 50,000 square feet	No berth required	3
	50,000—149,999 square feet	One <u>(1)</u> berth	
	150,000—299,999 square feet	Two <u>(2)</u> berths	
	Each additional 300,000 square feet	One <u>(1)</u> additional berth	
Permitted density	Same as Section 17.65.070		
Required usable open space	Same as Section 17.65.130		

**Notes:**

1. See Chapter 17.116 for other off-street parking standards.
2. See Chapter 17.117 for other bicycle parking standards.
3. Chapter 17.116 contains other off-street loading standards. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of Regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be

foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a conditional use permit stated in Section 17.116.220.

- I. HBX Live/Work units are Residential Facilities, shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's condominium conversion ordinance, Chapter 16.36. The same requirements contained in the City's condominium conversion ordinance that relate to residential units shall apply to HBX Live/Work units.
- J. **Regular Design Review Criteria.** Regular design review approval for HBX Live/Work units may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:
  1. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
  2. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
    - a. Service elevators designed to carry and move oversized items,
    - b. Stairwells wide and/or straight enough to deliver large items,
    - c. Loading areas located near stairs and/or elevators and
    - d. Wide corridors for the movement of oversized items.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 12776, § 3, Exh. A (part), 2006; Ord. 12772, § 1 (part), 2006)

#### **17.65.170 Special regulations for Mini-Lot and Planned Unit Developments.**

- A. **Mini-Lot Developments.** In Mini-Lot Developments, certain regulations otherwise applying to individual lots in the HBX Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments in the HBX Zones shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the HBX Zones, and certain of the other regulations applying in said zones may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

**17.65.180 Other zoning provisions.**

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the HBX Zones.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the HBX Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12884 § 2 (part), 2008; Ord. 12872 § 4 (part), 2008; Ord. 12772, § 1 (part), 2006)

**Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS** <sup>[32]</sup>**Sections:**

17.72.010 Title, intent, and description.

17.72.020 Required design review process.

17.72.030 Permitted and conditionally permitted activities.

17.72.040 Permitted and conditionally permitted facilities.

17.72.050 Property development standards.

17.72.060 Special Regulations for Mini-lot and Planned Unit Developments.

17.72.070 Other zoning provisions.

**17.72.010 Title, intent, and description.**

- A. Title and Intent. The provisions of this Chapter shall be known as the M-20, M-30, and M-40 Industrial Zones Regulations. This Chapter establishes regulations for the (M-20) Light Industrial, (M-30) General Industrial, and (M-40) Heavy Industrial Zones. The intent of the M-20, M-30, and M-40 Industrial Zones regulations is to create, preserve and enhance areas containing manufacturing, industrial, and related establishments.
- B. Description of Zones. This Chapter establishes land use regulations for the following three (3) zones:
1. **M-20 Light Industrial Zone.** The M-20 Zone is intended to create, preserve, and enhance areas containing manufacturing, industrial and related establishments with limited external impact within an open and attractive setting, and is typically appropriate to locations adjacent to residential communities.
  2. **M-30 General Industrial Zone.** The M-30 Zone is intended to create, preserve, and enhance areas containing a wide range of manufacturing, industrial, and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.
  3. **M-40 Heavy Industrial Zone.** The M-40 Zone is intended to create, preserve, and enhance areas containing manufacturing, industrial, or related establishments that are potentially incompatible with most other establishments, and is typically appropriate to areas which are distant from residential areas and which have extensive rail or shipping facilities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.72.020 Required design review process.**

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

applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104

B. No facility located within one hundred fifty (150) feet of any Residential Zone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136:

1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
3. Freight/Truck Terminal.
4. Truck Yard.
5. Truck Weigh Stations.
6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.72.030 Permitted and conditionally permitted activities.**

Table 17.72.01 lists the permitted, conditionally permitted, and prohibited activities in the M-20, M-30, and M-40 Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.72.01: Permitted and Conditionally Permitted Activities**

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
<b>Residential Activities</b>				
Permanent	—	—	—	
Residential Care	—	—	—	
Service-Enriched Permanent Supportive Housing	—	—	—	
Transitional Housing	—	—	—	
Emergency Shelter	—	P(L1)	—	
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	

OAKLAND

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
<b>Civic Activities</b>				
Essential Service	P(L16)	P	P	
Limited Child-Care Activities	P	P	P	
Community Assembly	C	C	C	
Recreational Assembly	C	C	C	
Community Education	C	C	C	
Nonassembly Cultural	P	—	P	
Administrative	P(L2)	P(L2)	P(L2)	
Health Care	C	—	—	
Special Health Care	C(L3)	C(L3)	C(L3)	17.103.020
Utility and Vehicular	C	P(L4)	P(L4)	
Extensive Impact	C	C	C	
<b>Commercial Activities</b>				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	C	P	P	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	
Medical Service	P(L2)	P	P	
General Retail Sales	P(L5)	P(L5)	P(L5)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	
Consultative and Financial Service	P(L2)	P(L2)	P(L2)	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair Service	C	C	C	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	—	C(L7)	C(L7)	
Personal Instruction and Improvement Services	—	C	C	

OAKLAND

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
Administrative	P(L2)	P(L2)	P(L2)	
Business, Communication, and Media Services	P	P	P	
Broadcasting and Recording Services	P	P	P	
Research Service	P	P	P	
General Wholesale Sales	P	P	P	
Transient Habitation	—	—	—	
Building Material Sales	C	P	P	
Automobile and Other Light Vehicle Sales and Rental	P	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C(L8)	P(L8)	P(L8)	
Automobile and Other Light Vehicle Repair and Cleaning	P(L8)	P(L8)	P(L8)	
Taxi and Light Fleet-Based Services	C	P	P	
Automotive Fee Parking	P	—	P	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
Undertaking Service	—	—	—	
<b>Industrial Activities</b>				
Custom Manufacturing	P(L9)	P	P	
Light Manufacturing	P(L10)	P	P	
General Manufacturing	C(L10)	C(L10)	C(L10)	
Heavy/High Impact	—	—	C	
Research and Development	C	C	P	
Construction Operations	C	P	P	
Warehousing, Storage, and Distribution-Related				
A. General Warehousing, Storage and Distribution	C	P	P	
B. General Outdoor Storage	C	P	P	
C. Self- or Mini-Storage	P	P	P	
D. Container Storage	C	P	P	
E. Salvage/Junk Yards	C	C	P(L11)	
Regional Freight Transportation	C	C	C	

OAKLAND

Activities	Zones			Additional Regulations
	M-20	M-30	M-40	
<b>Trucking and Truck-Related</b>				
A. Freight/Truck Terminal	C	P(L8)(L12)	P(L8)(L12)	
B. Truck Yard	C	P(L8)(L12)	P(L8)(L12)	
C. Truck Weigh Stations	C	P(L8)(L12)	P(L8)(L12)	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	C	P(L9)(L13)	P(L9)(L13)	
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	C	P(L8)(L12)	P(L8)(L12)	
<b>Recycling and Waste-Related</b>				
A. Satellite Recycling Collection Centers	C	C	C	
B. Primary Recycling Collection Centers	—	C	P	17.103.060
Hazardous Materials Production, Storage, and Waste Management- <u>Related</u>	C(L13)	C(L13)	C(L13)	
<b>Agriculture and Extractive Activities</b>				
Plant Nursery	C	P	P	
Limited Agriculture	P(L14)	P(L14)	P(L14)	
Extensive Agriculture	C(L15)	C(L15)	C(L15)	
Mining and Quarrying	C	C	C	
<b>Accessory off-street parking serving prohibited activities</b>	P	P	P	17.116.075
<b>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof</b>	C	C	C	17.102.110

**Limitations on Table 17.72.01:**

**L1.** Emergency Shelters are permitted by-right within the portion of the Third Street corridor area described in Section 17.103.015(A)(5) and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to the following:

- a. No Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

**L2.** The total floor area devoted to these activities on any single lot may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).



**L3.** No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L7.** No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Rresidential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

**L8.** No facility accommodating ~~either of~~ these activities that is located within one hundred fifty (150) feet of any Rresidential Zzone boundary shall be constructed, established, or altered in exterior appearance, unless the proposal have been approved pursuant to the Design Review Procedure (see Chapter 17.136 for the Design Review Procedure).

**L9.** These activities are only permitted upon the granting of a Conditional Use Permit if located within one hundred fifty (150) feet of a Rresidential Zzone (see Chapter 17.134 for the CUP procedure).

**L10.** Electroplating Aactivities are prohibited.

**L13.** These activities are prohibited when located within two thousand (2,000) feet from a Rresidential Ffacility. When not within two thousand (2,000) feet of a Rresidential Ffacility, Hazardous Materials Production, Storage, and Waste Management is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. That the project is not detrimental to the public health, safety or general welfare of the community;
2. That the project is or will be adequately served by roads and other public or private service facilities;
3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;
4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures have been incorporated into the project.

**L16.** Community Gardens are permitted ~~by~~ outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.72.040 Permitted and conditionally permitted facilities.**

Table 17.72.02 lists the permitted, conditionally permitted, and prohibited facilities in the M-20, M-30, and M-40 Zones. The descriptions of these facilities are contained in Chapter 17.10.

OAKLAND

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.72.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
<b>Residential Facilities</b>				
One-Family Dwelling	—	—(L4)	—	
One-Family Dwelling with Secondary Unit	—	—(L4)	—	17.103.080
Two-Family Dwelling	—	—(L4)	—	
Multifamily Dwelling	—	—(L4)	—	
Rooming House	—	—(L4)	—	
Mobile Home	—	—(L4)	—	
<b>Nonresidential Facilities</b>				
Enclosed Nonresidential	P	P	P	
Open Nonresidential	C(L1)(L3)	P(L1)	P(L1)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	P	P	
Drive-Through	C	C	C	17.103.100
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P	P	P	17.128
Mini Telecommunications	P	P	P	17.128
Macro Telecommunications	P	P	P	17.128
Monopole Telecommunications	C	P	P	17.128
Tower Telecommunications	—	C	C	17.128
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104

OAKLAND

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

**Limitations on Table 17.72.02:**

**L3.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L4.** All new Residential Facilities are prohibited, except those serving a permitted Emergency Shelter Activity as indicated in Table 17.72.01, Limitation L1.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.72.050 Property development standards.**

A. Zone Specific Standards. Table 17.72.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

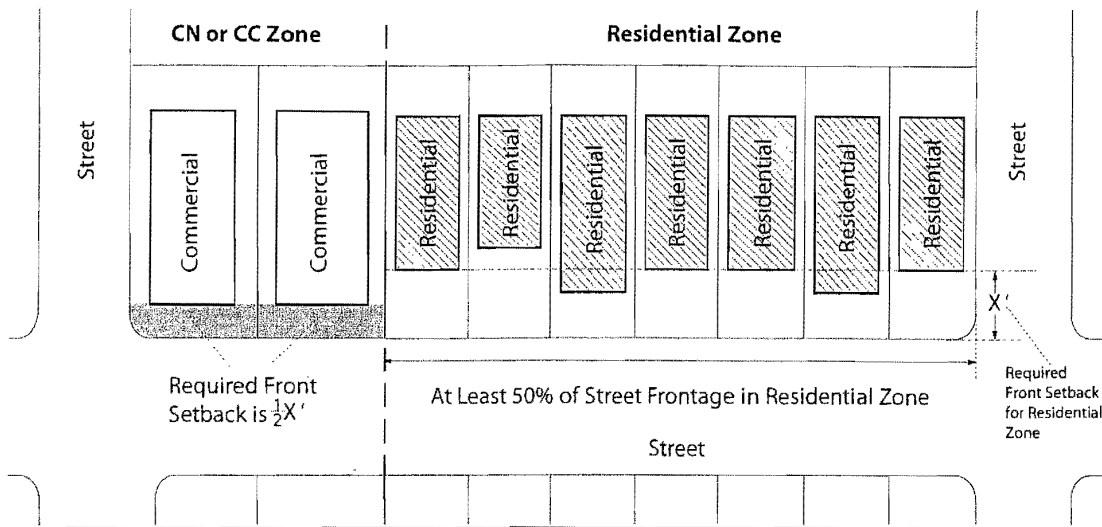
**Table 17.72.03: Property Development Standards**

Development Standards	Zones			Additional Regulations
	M-20	M-30	M-40	
<b>Minimum Lot Frontage</b>	25 feet	25 feet	25 feet	1
<b>Minimum/Maximum Setbacks</b>				
Minimum front	5 ft.	0 ft.	0 ft.	2, 3
Minimum interior side	0 ft.	0 ft.	0 ft.	4
Minimum street side	0 ft.	0 ft.	0 ft.	5
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	6, 7
<b>Maximum Height</b>	None	None	None	8
<b>Minimum Required Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking regulations			
<b>Courtyard Regulations</b>	See Section 17.108.120			

**Additional Regulations for Table 17.72.03:**

1. See Section 17.106.020 for exceptions to street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is in any Rresidential Zzone and all or part of the remaining frontage is in any Commercial or Industrial Zzone, the required front setback of the commercially or industrially zoned lots is one-half ( $\frac{1}{2}$ ) of the minimum front setback required in the Rresidential Zzone. If fifty percent (50%) or more of the total frontage is in more than one (1) Rresidential Zzone, then the minimum front setback on the commercially or industrially zoned lots is one-half ( $\frac{1}{2}$ ) of that required in the Rresidential Zzone with the lesser front setback (see Illustration for Table 17.72.03 [Additional Regulation 28], below).
3. In the M-20 Zone, this minimum front yard shall, except for accessory driveways and walkways, be developed with lawn, ground cover, harden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124.

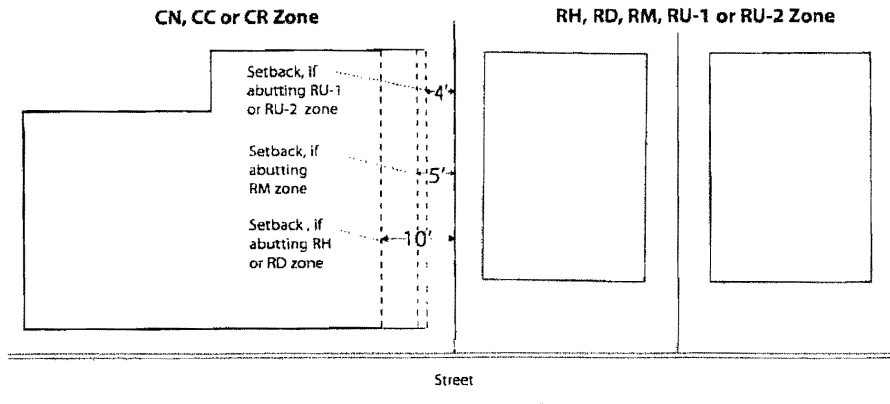
Illustration for Table 17.72.03 [Additional Regulation 23]  
\*for illustration purposes only



4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.68.03 [Additional Regulation 49], below). Also, see Section 17.108.130 for allowed projections into setbacks.

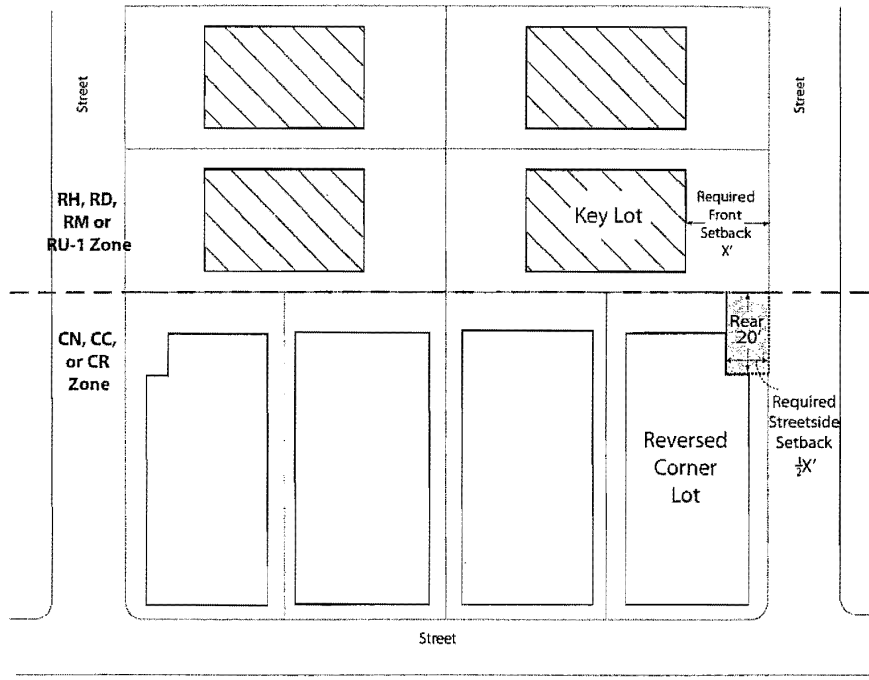
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Illustration for Table 17.72.03 [Additional Regulation 4]  
 \*for illustration purposes only



5. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, or the RU-1 Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ( $\frac{1}{2}$ ) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 544], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.72.03 [Additional Regulation 5]  
 \*for illustration purposes only

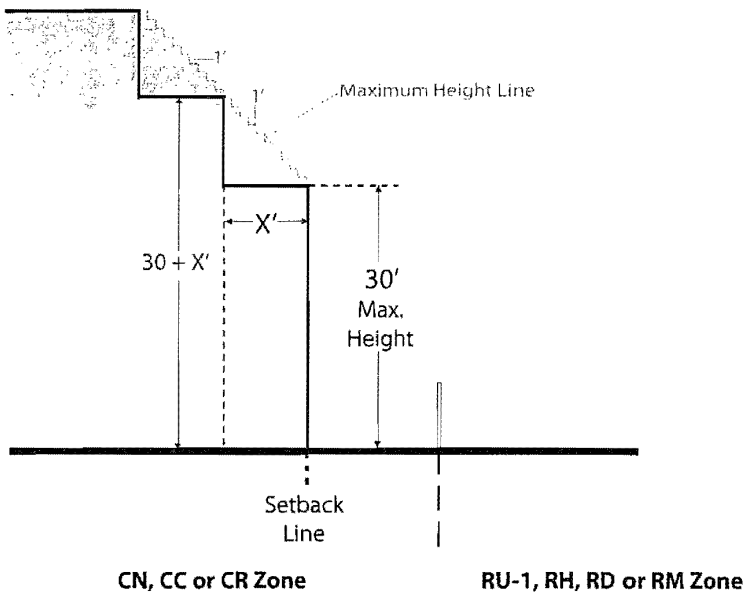


7. When a rear lot line is adjacent to an RH, RD, or RM Zone, or RU-1 Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, or RU-1 Zone, the required

rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

8. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; ~~or RU-1 Zone~~; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.35.04 [Additional Regulation 8444, below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.72.03 [Additional Regulation 8]  
\*for illustration purposes only



(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.72.060 Special Regulations for Mini-Lot and Planned Unit Developments.**

- A. **Mini-lot Developments.** In Mini-Lot Developments, certain regulations that apply to individual lots in the M-20, M-30, and M-40 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the M-20, M-30, and M-40 Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.72.070 Other zoning provisions.**

A. Performance Standards.

1. In the M-20 Zone, all Commercial and Industrial Activities shall be subject to the applicable provisions of the performance standards in Chapter 17.120.
2. In the M-30 Zone, all Commercial and Industrial Activities which are located within four hundred (400) feet from any boundary of a Residential Zone shall be subject to the applicable provisions of the performance standards in Chapter 17.120.

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

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

D. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the M-20, M-30, and M-40 Zones.

E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the M-20, M-30, and M-40 Zones.

F. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 shall apply in the M-20, M-30, and M-40 Zones.

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS****Sections:**

17.73.010 Title, purpose, and applicability.

17.73.015 Required design review process.

17.73.020 Permitted and conditionally permitted activities and facilities.

17.73.030 Property Development Standards.

17.73.035 Special regulations for Recycling and Waste-Related Industrial Activities—Primary Recycling Collection Centers in the CIX, IG, and IO Industrial Zones.

17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.

17.73.050 Parking and loading dock restrictions.

17.73.060 Referral to other applicable regulations.

17.73.070 Other zoning provisions.

**17.73.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the CIX, IG, and IO Industrial Zones Regulations. This Chapter establishes regulations for the (CIX-1A) West Oakland Plan Area Commercial Industrial Mix-1A, (CIX-1B) West Oakland Plan Area Commercial Industrial Mix-1B, (CIX-1C) West Oakland Plan Area Commercial Industrial Mix-1C, (CIX-1D) West Oakland Plan Area Commercial Industrial Mix-1D, (CIX-1) Commercial Industrial Mix-1, (CIX-2) Commercial Industrial Mix-2, (IG) General Industrial, and (IO) Industrial Office Zones.

The intent of the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Industrial Zones districts ~~is to implement the West Oakland Specific Plan. These and the other CIX, IG, and IO Industrial Zones zoning districts~~ are intended to create, preserve, and enhance areas for industrial uses, including manufacturing, scientific and product-related research and development, construction, transportation, warehousing/storage/distribution, recycling/waste-related activities, clean technology, and similar uses. The primary purposes of these areas are to support Oakland's economic base and to provide employment opportunities. The specific purposes of the CIX, IG, and IO Industrial Zones districts are to:

1. Provide a diversified economic base and a wide range of employment opportunities;
2. Maximize Oakland's regional role as a transportation, distribution, and communications hub;
3. Support Port operations and expansion by providing land for Port services such as trucking, warehousing, and distribution;
4. Preserve areas with good freeway, rail, seaport, and/or airport access for business and industrial uses;
5. Prohibit residential uses and limit commercial uses in General Industrial (IG) areas so that a maximum amount of the City's land base is preserved for industrial uses, and so that industrial uses may operate without impacting those activities;
6. Locate high impact industrial uses away from residential areas; and



7. Allow heavy-impact or large-scale commercial retail uses on sites with direct access to the regional transportation system.

A. **Description of Zones.** This Chapter establishes land use regulations for the following zones:

1. **CIX-1 Commercial Industrial Mix -1 Zone.** The CIX-1 Zone is intended to create, preserve, and enhance industrial areas that are appropriate for a wide variety of businesses and related commercial and industrial establishments. This zone is intended to accommodate existing older industries and provide flexibility in order to anticipate new technologies. Large-scale commercial and retail uses will be limited to sites with direct access to the regional transportation system.
2. **CIX-1A West Oakland Plan Area Commercial Industrial Mix -1A Zone (Business Enhancement).** The CIX-1A Zone intended to create, preserve, and enhance industrial areas in the West Oakland Specific Plan Area that are appropriate for incubator space for specific industry groups, adaptable space for artisans and craftspeople, and flexible small spaces for start-up businesses.
3. **CIX-1B West Oakland Plan Area Commercial Industrial Mix -1B Zone (Low Intensity Business).** The CIX-1B Zone is intended to support industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of new custom and light manufacturing, light industrial, warehouse, research and development, and service commercial uses.
4. **CIX-1C West Oakland Plan Area Commercial Industrial Mix -1C Zone (High Intensity Business).** The CIX-1C Zone is intended to support industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of higher intensity commercial, retail, office, and advanced manufacturing-type users. This zone is applied to areas with strong locational advantages that make possible the attraction of high intensity commercial and light industrial land uses and development types.
5. **CIX-1D West Oakland Plan Area Commercial Industrial Mix -1D Zone (Retail Commercial Mix).** The CIX-1D Zone is intended to create, preserve, and enhance industrial areas in the West Oakland Specific Plan Area that are appropriate for a broad range of large-scale retail and commercial uses. This district is applied to areas with a prominent street location.
6. **CIX-2 Commercial Industrial Mix -2 Zone.** The CIX-2 Zone is intended to create, preserve, and enhance industrial areas that are appropriate for a wide variety of commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas.
7. **IG General Industrial Zone.** The IG Zone is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts such as noise, light/glare, odor, and traffic. This zone allows heavy industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar and related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.
8. **IO Industrial Office Zone.** The IO Zone is intended to create and support areas of the City that are appropriate for a wide variety of businesses and related commercial and

industrial establishments in a campus-style setting. Development and performance standards in this district are more restrictive and accommodate large-parcel development in an attractive, well-landscaped setting. Future development shall reflect large-scale office, research and development, light industrial, wholesaling and distribution, and similar and related supporting uses.

**B. Description of Combining Zone.** This Chapter establishes land use regulations for the following combining zone:

1. **T Transport and Warehousing Combining Zone.** The intent of the T Combining Zone is to create and support areas of the city with the CIX-1A, CIX-1B, CIX-1C, or CIX-1D Industrial Zone designation that are appropriate for a wide variety of transportation facilities, warehousing and distribution, and similar and related supporting uses. The T Combining Zone is applied to areas with good freeway, rail, and/or seaport access. When a primary zone is combined with the T Combining Zone, the T Combining Zone permitted uses supersede those of the primary zone.

#### 17.73.015 Required design review process.

- A. In the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones: Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- B. In the CIX-1, CIX-2, IG, and IO Zones: Except for projects that are exempt from design review as set forth in Section 17.136.025, no Residential Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- C. No facility located within one hundred fifty (150) feet of any Residential Zzone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136.
  1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
  2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
  3. Freight/Truck Terminal.
  4. Truck Yard.
  5. Truck Weigh Stations.
  6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
  7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.
- D. Establishment of a Work/Live unit shall only be permitted upon determination that the proposal conforms to the Regular design review criteria set forth in the Regular Design

OAKLAND

Review procedure in Chapter 17.136 and to all of the additional criteria set forth in Subsection 17.73.040.D.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.73.020 Permitted and conditionally permitted activities and facilities.**

The following table lists the permitted, conditionally permitted, and prohibited activities and facilities in the CIX, IG, and IO Zones. The descriptions of these uses are contained in Chapter 17.10.

"P" designates permitted activities and facilities in the corresponding zone.

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

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

"—" designates activities and facilities that are prohibited in the corresponding zone.

**Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities**

Activity Types Uses	Zones									Additional Regula tions
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
<b>Residential Activities</b>										
Emergency Shelter	—	—	—	—	P(L1)	P(L1)	—	—	P(L1)	
All Other Residential Activities	All other Residential Activities prohibited in each zone									
<b>Civic Activities</b>										
Essential Service	P	P	P	P	P	P	P(L21)	P(L21)	P(L21)	
Limited Child-Care	C	C	C	C	—	—	—	—		
Community Assembly	P	P	P	P	P	C	—	C		
Recreational Assembly	P	P	P	P	P	C	—	C		
Community Education	C	C	C	C	P	C	—	C		
Nonassembly Cultural	P	P	P	P	P	C	—	C		

OAKLAND

Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Administrative	P	P	P	P	P	C	—	C		
Health Care	C	C	C	C	P	—	—	—	P	
Special Health Care	C	—	—	—	C	C	—	—		
Utility and Vehicular	C	C	P	C	P	C	C	C	P	
Extensive Impact	C	C	C	C	C	C	C	C		
<b>Commercial Activities</b>										
General Food Sales	P	P	P	P	P	P(L17)	C(L2)	P(L2)		
Full Service Restaurant	P	P	P	P	P	P(L17)	C(L2)	P(L2)		
Limited Service Restaurant and Cafe	P	P	P	P	P	P(L17)	C(L2)	P(L2)		
Fast Food Restaurant	C	C	C	C	C	C	—	C	C	See Section 17.103.030
Convenience Market	C	C	C	C	C	C	—	C	C	See Sections 17.103.030 and 17.114.030
Alcoholic Beverage Sales	C	C	C	C	P(L3)	C	—	—		
Mechanical or Electronic Games	P(L4)	P(L4)	P(L4)	C	P(L4)	—	—	—		
Medical Service	P	P	P	P	P	C	—	C		
General Retail Sales	P	P	P	P	P	P(L17)	—	P(L17)		

OAKLAND

Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
Large-Scale Combined Retail and Grocery Sales	—	—	C	C	—	—	—	—		
Consumer Service	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	—	C(L20)		
Consultative and Financial Service	P	P	P	P	P	C	—	—		
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—		
Consumer Cleaning and Repair Service	P	P	P	P	P	C	—	—		
Consumer Dry Cleaning Plant	C	C	C	C	P	C	—	—		
Group Assembly	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	P(L9)	P(L9)	C		
Personal Instruction and Improvement Services	P(L8)	P(L8)	P(L8)	P(L8)	P(L8)	P(L9)	P(L9)	C		
Administrative	P	P	P	P	P	P	L9	P		
Business, Communication, and Media Service	P	P	P	P	P	P	P	P		
Broadcasting and Recording Service	P	P	P	P	P	P	P	P		
Research Service	P	P	P	P	P	P	C	P		

OAKLAND

Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
General Wholesale Sales	P	P	P	P	P	P	P	P		
Transient Habitation	C	C	C	C	—	—	—	—		
Building Material Sales	P(L19)	P(L19)	P(L19)	P(L19)	P(L4)	P(L4)	—	—	P(L4)	
Automobile and Other Light Vehicle Sales and Rental	C	C	P	P	P	C	—	C	P	
Automobile and Other Light Vehicle Gas Station and Servicing	C	C	C	P(L7)	P	P	P	—	P(L4)	
Automotive and Other Light Vehicle Repair and Cleaning	P(L7)	P(L7)	P(L7)	P(L7)	P(L4)	P(L4)	P	—	P(L4)	
Taxi and Light Fleet-Based Services	C	C	C	C	P(L4)	P(L4)	P	—	P	
Automotive Fee Parking	C	C	C	C	P(L4)	P	P	P		
Animal Care	P(L5)	P(L5)	P(L5)	C	P(L5)	C	C	—		
Animal Boarding	P(L5)	P(L5)	P(L5)	C	P(L5)	C	C	—		
Undertaking Service	C	C	C	—	P	C	C	—		
<b>Industrial Activities</b>										
Custom Manufacturing	P	P	P	P	P	P	P	P		
Light Manufacturing	P	P	P	P	P	P	P	P		

OAKLAND

Activity Types Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
General Manufacturing	P(L4)	P(L4)	P(L4)	—	P(L4)	P(L4)	P	—	P(L4)	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	C	—		
Research and Development	P	P	P	P	P	P	P	P		
Construction Operations	P(L19)	P(L19)	P(L19)	C	P(L4)	P(L4)	P(L4)	C	P(L4)	
<b>Warehousing, Storage and Distribution-Related:</b>										
A. General Warehousing, Storage and Distribution	P(L18)	P(L18)	P(L18)	C	P	P	P	P	P	
B. General Outdoor Storage	C	C	C	C	C	P(L4)	P	P		
C. Self- or Mini-Storage	—	—	—	—	C	C	—	C	C	
D. Container Storage	—	—	—	—	—	P(L4)	P	—		
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	P(L4)	—		
<b>Regional Freight Transportation-Related:</b>										
A. Seaport	—	—	—	—	—	—	P	C		
B. Rail Yard	—	—	—	—	—	C	P	—		
<b>Trucking and Truck-Related:</b>										
A. Freight/Truck Terminal	—	—	—	—	P(L6)	P(L4)	P	—	P	
B. Truck Yard	—	—	—	—	P(L6)	C	P	C	P	

OAKLAND

Activity Types Uses	Zones									Additional Regula tions
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T*	
C. Truck Weigh Stations	—	—	—	—	—	P	P	—		
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	—	—	—	—	P(L7)	P	P	P	P	
E. Truck and Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L6)	P	P	—	P	
<b>Recycling and Waste-Related:</b>										
A. Satellite Recycling Collection Centers	C	C	C	C	C	C	C	C		
B. Primary Recycling Collection Centers	—	—	—	—	P(L11)	P(L11)	P(L12)	—	—	See Section 17.73.0 35
<b>Hazardous Materials Production, Storage &amp; and Waste Management-Related:</b>										
A. Small Scale Transfer and Storage	—	—	—	—	—	C	C	—		L12 - See also Health and Safety Protection Zone (S-19)
B. Industrial Transfer/Storage	—	—	—	—	—	—	C	—		
C. Residuals Repositories	—	—	—	—	—	—	C	—		
D. Oil and Gas Storage	—	—	—	—	—	—	P(L3)	—		
<b>Agricultural and Extractive Activities</b>										
Plant Nursery	P	P	P	C	P	P	P	—		
Limited Agriculture	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	P(L14)	C(L15)	C(L15)	C(L15)	



OAKLAND

<b>Activity Types Uses</b>	<b>Zones</b>									<b>Additional Regulations</b>
	<b>CIX-1A</b>	<b>CIX-1B</b>	<b>CIX-1C</b>	<b>CIX-1D</b>	<b>CIX-1</b>	<b>CIX-2</b>	<b>IG</b>	<b>IO</b>	<b>T*</b>	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)		
Mining and Quarrying Extractive	—	—	—	—	—	—	C	—		See Chapter 17.155
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	P	P	P	P	P	17.116.075
<b>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof</b>	C	C	C	C	C	C	C	C		17.102.110

\* If a CIX-1A, CIX-1B, CIX-1C or CIX-1D base Zzone also has the T Combining Zzone, the T regulations shall supersede the base zone. Wherever the T regulations are silent, the base zone regulations shall supersede.

OAKLAND

Facility Types	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
<b>Residential Facilities</b>	All Residential Facilities prohibited in each Zone, except those serving a permitted Emergency Shelter Activity as indicated in Limitation L1 below.								
<b>Nonresidential Facilities</b>									
Enclosed Nonresidential	P	P	P	P	P	P	P	P	
Open Nonresidential	P	P	P	P	P	P	P(L21)	P(L21)	
Sidewalk Cafe	P	C	C	P	C	C	—	—	See Section 17.103.090
Drive-In Nonresidential	—	—	—	—	—	—	—	—	
Drive-Through Nonresidential	C	C	C	C	C	C	C	C	See Section 17.103.100
<b>Telecommunications Facilities</b>									
Micro Telecommunications	P	P	P	P	P	P	P	P	See Chapter 17.128
Mini Telecommunications	P	P	P	P	P	P	P	P	
Macro Telecommunications	C	C	C	C	C	C	P	P	
Monopole Telecommunications	C	C	C	C	C	C	P	P	
Tower Telecommunications	—	—	—	—	—	—	P	P	
<b>Sign Facilities</b>									
Residential Signs	—	—	—	—	—	—	—	—	See Chapter 17.104
Special Signs	P	P	P	P	P	P	P	P	
Development Signs	P	P	P	P	P	P	—	—	
Realty Signs	P	P	P	P	P	P	P	P	
Civic Signs	P	P	P	P	P	P	P	P	
Business Signs	P	P	P	P	P	P	P	P	

Advertising Signs	—	—	—	—	—	—	—	—	
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**Limitations:**

**L1.** Emergency Sshelters are permitted by-right within those portions of the 3<sup>rd</sup> Third Street corridor, East 12<sup>th</sup> Street corridor and Coliseum Way area described in Section 17.103.015(A)(5)(6)(8) respectively and subject to the development standards in Section 17.103.015(B).

**L2.** Limited to location on a ground floor in the CIX-2, IG and IO Zones. Over five thousand (5,000) sf floor area requires a conditional use permit in the CIX-2, IG, and IO Zones.

**L3.** Prohibited within three hundred (300) feet of a Rresidential Zzone and requires a conditional use permit elsewhere throughout the zone. (Conditional use permit is required in the CIX-2 Zone).

**L4.** A conditional use permit is required if within three hundred (300) feet of a Rresidential Zzone; Permitted if beyond three hundred (300) feet of a Rresidential Zzone.

**L5.** A conditional use permit is required if the use involves any of the following: a) outdoor yard activities; or b) ancillary overnight boarding.

**L6.** Prohibited within six hundred (600) feet of a Rresidential Zzone. A conditional use permit is required elsewhere throughout the zone.

**L7.** A conditional use permit is required: a) if within three hundred (300) feet of a Rresidential Zzone, and b) if located anywhere in the district when outdoor repair and service activity exceeds fifty percent (50%) of site area.

**L8.** A conditional use permit is required for entertainment uses. Also, no new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Rresidential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

**L9.** A conditional use permit is required for entertainment, educational and athletic uses (see Chapter 17.134 for the CUP procedure). Also, no new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Rresidential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

**L10.** Administrative activities accessory to an existing Iindustrial Aactivity are limited to twenty percent (20%) of floor area in the IG Zone.

**L11.** Prohibited within three hundred (300) feet of a Rresidential Zzone; a conditional use permit containing requirements no less stringent than the performance standards set out in Section 17.73.035 is required if beyond three hundred (300) feet of a Rresidential Zzone boundary.

**L12.** Prohibited within three hundred (300) feet of a Rresidential Zzone, permitted outright beyond three hundred (300) feet with a standard set of performance standards that would apply to existing, new or expanded uses, as detailed in Section 17.73.035.

**L13.** A conditional use permit is required for Electroplating Activities.

**L18.** The total floor area devoted to these activities shall only exceed twenty-five thousand (25,000) square feet upon the granting of a conditional use permit (see Chapter 17.134).

**L19.** A conditional use permit is required if the use involves any outdoor activities within three hundred (300) feet of a Residential Zone. Outdoor activities are permitted if the use is located greater than three hundred (300) feet from a Residential Zone.

**17.73.030 Property Development Standards.**

Table 17.73.030 contains the property development standards for all zones within this Chapter.

**Table 17.73.030: Property Development Standards**

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
<b>Minimum Lot Frontage</b>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	100 ft <sub>2</sub>	1
<b>Minimum Lot Width Mean</b>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	25 ft <sub>2</sub>	100 ft <sub>2</sub>	1
<b>Minimum Lot Area (square feet)</b>	5,000 sf <sub>2</sub>	5,000 sf <sub>2</sub>	5,000 sf <sub>2</sub>	5,000 sf <sub>2</sub>	5,000 sf <sub>2</sub>	10,000 sf <sub>2</sub>	10,000 sf <sub>2</sub>	25,000 sf <sub>2</sub>	1
<b>Floor-Area Ratio (FAR)</b>									
FAR - Greater than 300 feet from a <u>R</u> esidential <u>Z</u> one boundary	2.0	2.0	2.0/ <u>3.0</u>	2.0/ <u>3.0</u>	4.0	4.0	2.0	4.0	2
FAR - Within 300 feet of a <u>R</u> esidential <u>Z</u> one boundary	2.0	2.0	2.0/ <u>3.0</u>	2.0/ <u>3.0</u>	2.0/ <u>4.0</u>	2.0/ <u>4.0</u>	1.0/ <u>2.0</u>	2.0/ <u>4.0</u>	2
<b>Maximum Height</b>	85 ft <sub>2</sub>	85 ft <sub>2</sub>	85 ft <sub>2</sub>	85 ft <sub>2</sub>	None	55 ft <sub>2</sub>	None	55 ft <sub>2</sub>	3, <sub>2</sub> 4
<b>Minimum Front Yard Setback</b>	0 ft <sub>2</sub>	0 ft <sub>2</sub>	0 ft <sub>2</sub>	0 ft <sub>2</sub>	0 ft <sub>2</sub>	0 ft <sub>2</sub>	0 ft <sub>2</sub>	20 ft <sub>2</sub>	5

OAKLAND

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Minimum Rear Yard Setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5
Minimum Interior Side Yard setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5
Minimum Street Side Yard Setback of a Corner Lot	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	20 ft.	5
Site Landscaping (% of entire lot area)	5%	5%	5%	5%	5%	5%	5%	15%	6, 7
Parking Lot Landscaping (% of parking lot area)	10%	10%	10%	10%	10%	10%	10%	10%	8
Street Trees	Required	Required	Required	Required	Required	Required	Required	Required	9, 10
Site and Driveway Access - Minimum Distance from any Residential or Open Space Zone boundary	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	11
Driveway Width Maximum	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	12
Pedestrian Walkway	Required	Required	Required	Required	Required	Required	Required	Required	13

OAKLAND

Development Standards	Zones								Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	
Minimum Fence Height in Yards adjacent to Residential or Open Space Zones	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	14
Maximum Fence Height in Yards adjacent to Residential or Open Space Zones	12 ft.	12 ft.	12 ft.	12 ft.	15 ft.	15 ft.	15 ft.	15 ft.	14, 15

**Additional Regulations Noted in Table 17.73.030**

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

2. A conditional use permit to exceed the maximum Floor Area Ratio (FAR) as shown in Table 17.73.030 may be granted for the CIX-1C, CIX-1D, CIX-1, CIX-2, IG, and IO Zones upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, and to all of the following additional criteria:

a. If in the CIX-1, CIX-2, IG, or IO Zones, the additional intensity will not exceed the maximum Floor Area Ratio (FAR) for sites greater than three hundred (300) feet from a Residential Zone boundary; or if in the CIX-1C or CIX-1D Zones, will not exceed a Floor Area Ratio (FAR) of 3.0. Any additional intensity in the CIX, IG or IO Zones will not subject residentially zoned areas within three hundred (300) feet to significant adverse impacts related to: truck traffic; nighttime operations; noise; vehicular traffic; hazardous materials exposure and risk; air emissions; blockage of sunlight to private open space areas; or other such environmental impacts;

b. If in the CIX-1, CIX-2, IG, or IO Zones, the site is located on a major arterial, freeway, rail line or other location that has adequate capacity to handle the intensity and type of traffic volume. If in the CIX-1C or CIX-1D Zones, the site is located within five hundred (500) feet of Mandela Parkway, or in or within five hundred (500) feet of the T overlay Zone;

c. If adjacent to a Residential or Open Space Zone boundary, the proposed development has a step back of one (1) foot to every one (1) foot of height, beginning with a maximum height of thirty (30) feet at all required yard setbacks; and

d. All new development activities meet the Performance Standards in Chapter 17.120.

3. ~~Except as otherwise provided in~~ For additional regulations regarding height, see Section 17.108.030 (Allowed Projections above Height Limits), Chapter 17.128 (Telecommunications

Regulations), and Section 17.108.010 for ~~on~~ lots lying along a boundary of certain Residential Zones, and See Section 17.104.020 for maximum height of Signs.

5. See Section 17.108.130 for minimum front, side, and rear yards in Commercial and Industrial Zones which may be across from, abut or be adjacent to a Residential Zone or alley. Accessory structures or other facilities allowed within the yards and setbacks are in Sections 17.108.130.

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

7. In the IO district, the minimum front yard setback area required shall, except for driveways, walkways, and allowable Signs, be developed as open landscaped areas with lawn, ground cover, shrubs, trees or decorative and permeable paving materials, subject to the standards for required landscaping and screening in Chapter 17.124.

14. Applies to all property lines in Industrial Zones, except those fronting a public street, which directly abut a Residential or Open Space Zone. All buffering Requirements apply to: a) new development; or expansion of an industrial or commercial building by more than twenty percent (20%) floor area, or b) addition or expansion of an existing building so that the building to land ratio exceeds thirty-five percent (35%), whichever is greater.

#### **17.73.035 Special regulations for Recycling and Waste-Related Industrial Activities— Primary Recycling Collection Centers in the CIX, IG, and IO Industrial Zones.**

5. Litter, Debris, Graffiti and Cleanliness. For existing, new or expanded uses:

- a. The site shall be maintained in a clean and orderly condition, free of vectors, and free of standing water and any odiferous waste;
- b. The public right-of-way shall not be used for storage or processing of materials;
- c. Graffiti shall be removed within seventy-two (72) hours of application;
- d. A cleanliness/litter management and control plan shall be developed, implemented and maintained, such that it is ready for inspection. The plan shall include provisions for the disposal of recycling-related litter and debris in the public right-of-way within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively (See Figure 17.73.01). This would not include material illegally dumped that is not related to the recycling operation, including but not limited to, hazardous material, containers of paint or unidentified liquids, tree trimmings, residential, commercial and/or industrial waste or dumping of materials not accepted by the Primary Recycling Collection Center. In addition, the Primary Recycling Collection Center shall produce a notice to distribute to customers that states that all illegal dumping shall be reported to City authorities.

C. Relief from Performance Standards. Any person who owns or operates, or who has applied to construct, expand, modify or establish an activity or facility that involves Primary

Recycling Collection Centers which would be affected by the performance standards required, and who contends that the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation, may submit a written application to the Planning Director requesting relief from the performance standards within ten (10) days of being initially notified of the performance standards. For purposes of this Section, notice to a predecessor in interest shall constitute such initial notice to subsequent owners/operators. The written request for relief from these performance standards must: (a) identify the name and address of the applicant and business; (b) the affected application number; (c) specifically state how the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation; and (d) include all appropriate legal and factual support for the request for relief. Within thirty (30) days of receipt of the completed request for relief, the Planning Director, or his/her designee, shall mail to the applicant a written determination. The applicant may appeal such determination pursuant to the provisions in Oakland Planning Code Chapter 17.132.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12923, § 2(Exh. A), 3-17-2009)

**17.73.040 Special regulations for Work/Live units in the CIX, IG, and IO Industrial Zones.**

- A. Applicability. A Work/Live unit in the CIX, IG, and IO Industrial Zones must meet all applicable regulations contained in this Section. The CIX, IG, and IO Zones regulations contained in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters.
- B. Definition. The following definition applies to this Chapter only: A "Work/Live unit" means a room or suite of rooms that are internally connected maintaining a common household that includes: (1) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit accommodates a primary Nonresidential Activity with an accessory residential component.
- C. Conditional use permit required.
  - 1. Establishment of a Work/Live unit is only permitted upon determination that the proposal conforms to the conditional use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to one or both of the following additional use permit criteria:
    - a. The project is in the CIX Zones, and involves new construction or conversion of a building: (1) within three hundred (300) feet of a Residential Zone, or (2) on an irregular shaped parcel that is adjacent to Mandela Parkway and in existence prior to the effective date of this amended Code section.
    - b. The project is in the CIX, IG, or IO Zones, and involves conversion of an existing building originally designed for Commercial or Industrial Activities and there are existing artist and/or artisan residents who meet the requirements of Zoning Code Bulletin regarding "Live/Work" (issued August 29, 2001 and amended August 23, 2004).
- D. **Regular design review required.** Establishment of a Work/Live unit shall only be permitted upon determination that the proposal conforms to the Regular design review



criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily Wwork/Llive units in the Industrial Zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;
- E. Activity, parking, loading, open space, and unit size standards for Wwork/Llive units. The following table contains the activities allowed in a Wwork/Llive unit; the minimum size of an industrial Wwork/Llive unit; and the parking, loading and open space required for each Wwork/Llive unit:

**Table 17.73.040.C Activity, parking, loading, open space, and unit size standards for Wwork/Llive units.**

Standard	Requirement		Note
<b>Activities allowed in a <u>W</u>work/<u>L</u>live unit</b>	Same permitted and conditionally permitted activities as described in Section 17.73.020 for the applicable base zone.		
<b>Required parking</b>	One (1) parking space per unit, plus one (1) additional unassigned visitor or employee parking space per five (5) <u>W</u> work/ <u>L</u> live units		1, 3
<b>Required loading</b>	<b>Square feet of facility</b>	<b>Requirement</b>	
	Less than 10,000 square feet	No berth required	
	10,000—69,999 square feet	One (1) berth	
	70,000—130,000 square feet	Two (2) berths	
	Each additional 200,000 square feet	One (1) additional berth	
<b>Required usable open space</b>	Seventy-five (75) square feet of usable open space per unit		
<b>Minimum size of unit</b>	No individual unit shall be less than eight hundred (800) square feet of floor area		

**Notes:**

1. See Chapter 17.116 for other off-street parking standards.
  2. All required usable open space shall meet the usable open standards contained in Chapter 17.126, except that all usable open space Wwork/Llive units may be provided above ground. Further, each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement.
  3. Parking and open space standards apply to new construction. For conversion of existing buildings, maintaining existing parking and open space is required.
- F. A Wwork/live unit shall consist of a maximum of one-third (1/3) residential floor area with the remaining floor area to be used for the primary Non-residential Aactivity. All required plans for the creation of industrial Wwork/Llive units shall: (1) delineate areas designated to contain Residential Aactivities and areas designated to contain Nonresidential Aactivities, and (2) contain a table showing the square footage of each unit devoted to residential and Nonresidential Aactivities.

- G. Work/Live space shall be considered Commercially/Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of Work/Live units shall: (1) clearly state that the proposal includes Commercial/Industrially Joint Living and Working Quarters and (2) label the units intended to be these units as Commercially/Industrially Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow Industrial Activities in Work/Live units in the Industrial Zones.
- H. Each unit shall contain at least one (1) tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.
- I. For any Work/Live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:
  - 1. The unit is in a Nonresidential Facility that allows Commercial and/or Industrial Activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
  - 2. Each unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.
- K. The development of Work/Live units in the CIX, IG, and IO Industrial Zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for Work/Live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

**17.73.050 Parking and loading dock restrictions.**

- A. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Parking for new development shall be located at the rear of the site or at the side of the building in the CIX and IO Zones except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a Residential Zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right-of-way. All existing loading docks are not subject to this requirement.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12875 § 2 (part), 2008)

**17.73.060 Referral to other applicable regulations.**

The following table contains referrals to other regulations that may apply:

**Table 17.73.050: Referral to Other Regulations**

OAKLAND

Subject	Section
Required number, dimensions, and location of parking spaces; maneuvering aisle dimensions, and related regulations	17.116
Sign regulations	17.104.020 17.104.060
Buffering regulations, including the buffering of parking, loading, glare, and storage from other properties	17.110
Landscaping and screening, including street trees	17.124
Recycling space requirements	17.118
Nonconforming uses and facilities	17.114
Joint living and working quarters	17.102.190
Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts	17.120
The demolition of living units and the conversion of a living unit to a Nonresidential Use	17.102.230
Accessory Uses	17.10.040
Fence and retaining wall standards, including location, height, and materials	
Expanding a use into adjacent zones	17.102.110
Application of zoning regulations to lots divided by zone boundaries	17.154.060
Landmarks	17.05
Regulations applying to tobacco-oriented activities	17.102.350
Microwave and satellite dishes over three (3) feet in diameter located in or near <u>R</u> residential <u>Z</u> zones	17.102.240
Special regulations applying to <u>A</u> adult <u>E</u> entertainment <u>A</u> activities	17.102.160
Special regulations applying to massage service activities	17.102.170
Buffering regulations for lots with three (3) or more required parking space. This includes the screening of parking, loading, glare, and storage from <u>R</u> residential properties and <u>Z</u> zones	17.110.030
Buffer Regulations for commercial and industrial uses next to <u>R</u> residential and <u>O</u> pen <u>S</u> space <u>Z</u> zones	17.110
Special regulations applying to <u>E</u> electroplating <u>A</u> activities	17.102.340
S-19 Health and Safety Protection Overlay Zone	17.100A

OAKLAND

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

**17.73.070 Other zoning provisions.**

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

(Ord. No. 13042, § 4(Exh. A), 10-19-2010)

## Chapter 17.74 S-1 MEDICAL CENTER ZONE REGULATIONS

### Sections:

17.74.010 Title, purpose, and applicability.

17.74.030 Permitted activities.

17.74.040 Conditionally permitted activities.

17.74.050 Permitted facilities.

17.74.060 Conditionally permitted facilities.

17.74.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

17.74.110 Minimum lot area, width, and frontage.

17.74.120 Maximum residential density.

17.74.130 Maximum Floor-Area Ratio.

17.74.150 Minimum yards and courts.

17.74.180 Special regulations for Mini-Lot and Planned Unit Developments.

17.74.190 Other zoning provisions.

### 17.74.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-1 Medical Center Zone Regulations. The Medical Center (S-1) Zone is intended to create, preserve, and enhance areas devoted primarily to medical facilities and auxiliary uses, and is typically appropriate to compact areas around large hospitals. These regulations shall apply in the S-1 Zone.

(Prior planning code § 6100)

### 17.74.030 Permitted activities.

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

#### A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

Semi-Transient

Emergency Shelter (Emergency Shelters are permitted by-right within those portions of the Martin Luther King Jr. Way corridor and Webster Street area described in

OAKLAND

Section 17.103.015(A)(1)(3) respectively and subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone.)

B. Civic Activities:

Essential Service (Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit - see Chapter 17.134 for the CUP procedure)

Limited Child-Care

Community Assembly

Recreational Assembly

Community Education

Nonassembly Cultural

Health Care

C. Commercial Activities:

Medical Service

D. Agricultural and Extractive Activities:

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

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.75, 1996; prior planning code § 6103)

**17.74.040 Conditionally permitted activities.**

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

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

Emergency Shelter

C. Commercial Activities:

Group Assembly

Personal Instruction and Improvement Services and ~~Small Scale Entertainment~~

**17.74.050 Permitted facilities.**

D. Telecommunications:

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.79, 1996; prior planning code § 6105)

**17.74.060 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:

B. Telecommunications:

Macro Telecommunications

Monopole Telecommunications

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.83, 1996; prior planning code § 6106)

**17.74.080 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.**

See Section 17.102.230.

(Prior planning code § 6109)

**17.74.110 Minimum lot area, width, and frontage.**

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

(Prior planning code § 6114)

**17.74.120 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 (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270\_B and a Secondary Unit.

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

1. In the case of a Residential Facility with more than four (4) 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.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 6115)

#### **17.74.130 Maximum Floor-Area Ratio.**

The maximum Floor-Area Ratio of any facility shall be as follows, subject to the provisions of Section 17.106.030 with respect to maximum Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio (FAR). The maximum permitted FAR ~~floor-area ratio~~ is 4.00, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- B. Conditionally Permitted Floor-Area Ratio (FAR). The FAR ~~floor-area ratio~~ permitted by Subsection A\_ of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:
  1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040\_;
  2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050\_.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6117)

#### **17.74.150 Minimum yards and courts.**

The following minimum yards and courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120\_.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6120)



**17.74.180 Special regulations for Mmini-Llot and Planned Unit Developments.**

- A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain of the regulations otherwise applying to individual lots in the S-1 Zzone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-1 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 6123)

**17.74.190 Other zoning provisions.**

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-1 Zzone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in S-1 Zzone.

(Ord. 12884 § 2 (part), 2008; Ord. 11807 § 5 (part), 1995; prior planning code § 6124)

## Chapter 17.76 S-2 CIVIC CENTER ZONE REGULATIONS

### Sections:

17.76.010 Title, purpose, and applicability.

17.76.050 Permitted activities.

17.76.060 Conditionally permitted activities.

17.76.080 Conditionally permitted facilities.

17.76.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

17.76.130 Minimum lot area, width, and frontage.

17.76.140 Maximum residential density.

17.76.150 Maximum Floor-Area Ratio.

17.76.200 Special regulations for Mini-Lot Developments, Planned Unit Developments, and large-scale developments.

17.76.210 Other zoning provisions.

### 17.76.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the S-2 Civic Center Zone Regulations. The Civic Center (S-2) Zone is intended to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses, and is typically appropriate to portions of the Oakland Central District and to outlying areas of public facilities. These regulations shall apply in the S-2 Zone.

(Prior planning code § 6150)

### 17.76.050 Permitted activities.

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

#### A. Residential Activities:

Permanent

Residential Care occupying a One-Family Dwelling Residential Facility

Supportive Housing

Transitional Housing

#### B. Civic Activities:

Essential Service (Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal

products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit - see Chapter 17.134 for the CUP procedure)

D. Agricultural and Extractive Activities:

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

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 5 (part), 1999; Ord. 11904 § 5.76, 1996; prior planning code § 6153)

**17.76.060 Conditionally permitted activities.**

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

A. Residential Activities:

Residential Care, except when occupying a One-Family Dwelling Residential Facility

~~Service-Enriched Permanent Housing~~

~~Transitional Housing~~

Emergency Shelter

C. Commercial Activities:

Personal Instruction and Improvement Services and ~~Small Scale Entertainment~~

**17.76.080 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:

C. Telecommunications:

Macro Telecommunications

Monopole Telecommunications

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.84, 1996; prior planning code § 6156)

**17.76.100 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential ~~A~~activity.**

See Section 17.102.230.

(Prior planning code § 6159)

**17.76.130 Minimum lot area, width, and frontage.**

Every lot shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width mean of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.03.010. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Prior planning code § 6164)

**17.76.140 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 (5) or more bedrooms. No residential facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270\_B and a Secondary Unit.

- B. Conditionally Permitted Density. The number of living units permitted by Subsection A<sub>2</sub> of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:
1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040<sub>2</sub>;
  2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050<sub>2</sub>.

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

**17.76.150 Maximum Floor-Area Ratio.**

The maximum Floor-Area Ratio of any facility shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum Floor-Area Ratio on lots containing both Residential and Nonresidential Facilities:

- A. Permitted Floor-Area Ratio (FAR). The maximum permitted FAR ~~floor-area ratio~~ is 3.50, except that this ratio may be exceeded by ten percent (10%) on any corner lot and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
- B. Conditionally Permitted Floor-Area Ratio (FAR). The FAR ~~floor-area ratio~~ permitted by Subsection A<sub>2</sub> of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, in each of the following situations:
1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040<sub>2</sub>;
  2. For any facility, upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050<sub>2</sub>.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6167)

**17.76.200 Special regulations for Mmini-Llot Ddevelopments, Planned Unit Developments, and large-scale developments.**

- A. **Mini-Lot Developments.** In Mmini-Llot Developments, certain of the regulations otherwise applying to individual lots in the S-2 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-2 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.
- C. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to development where a valid Planned Unit Development permit is in effect.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 6173)

**17.76.210 Other zoning provisions.**

- A. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. **General Provisions.** The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-2 Zone.
- F. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the S-2 Zone.

## **Chapter 17.78 S-3 RESEARCH CENTER ZONE REGULATIONS**

### **Sections:**

17.78.010 Title, purpose, and applicability.

17.78.030 Permitted activities.

17.78.050 Permitted facilities.

17.78.060 Conditionally permitted facilities.

17.78.065 Special regulations applying to Extensive Agriculture.

17.78.070 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

17.78.080 Performance standards for Commercial Activities.

17.78.090 Limitations on Signs.

17.78.100 Minimum lot area, width, and frontage.

17.78.110 Maximum Floor-Area Ratio.

17.78.130 Minimum yards.

17.78.140 Buffering and landscaping.

17.78.150 Other zoning provisions.

### **17.78.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the S-3 Research Center Zone Regulations. The Research Center (S-3) Zone is intended to create, preserve, and enhance areas devoted primarily to conference, research, administrative, and recreational activities in attractive surroundings conducive to such pursuits, and is typically appropriate to relatively secluded locations. These regulations shall apply in the S-3 Zone.

(Prior planning code § 6200)

### **17.78.030 Permitted activities.**

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

#### **A. Civic Activities:**

Essential Service (Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit - see Chapter 17.134 for the CUP procedure)

Nonassembly Cultural

C. Agricultural and Extractive Activities:

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

**17.78.050 Permitted facilities.**

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

C. Telecommunications

Micro Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

Mini Telecommunications, except when a Major Conditional Use Permit is required by Section 17.128.025

(Ord. No. 13060, § 2(Exh. A), 3-1-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 11904 § 5.81, 1996; prior planning code § 6205)

**17.78.070 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Aactivity.**

See Section 17.102.230.

(Prior planning code § 6209)

**17.78.100 Minimum lot area, width, and frontage.**

Every lot shall have a minimum lot area of two (2) acres and a minimum lot width mean of one hundred (100) feet. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6214)

**17.78.110 Maximum Floor-Area Ratio.**

The maximum Floor-Area Ratio (FAR) of any facility shall be 0.50.

(Prior planning code § 6217)

**17.78.130 Minimum yards.**

The following minimum yards shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130:

- A. Front Yard. The minimum front yard depth on every lot shall be fifty (50) feet.
- B. Side Yard—Street Side of Corner Lot. The minimum side yard width on the street side of every corner lot shall be fifty (50) feet.

OAKLAND

- C. Side Yard—Interior Lot Line. The minimum width of the side yard along any single interior side lot line of any lot shall be twenty (20) feet. The minimum combined width of both such side yards shall be fifty (50) feet.
- D. Rear Yard. The minimum rear yard depth on every lot shall be thirty (30) feet, except that the minimum rear yard depth shall be fifty (50) feet along any portion of a rear lot line which abuts a lot in any Rresidential Zzone.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 6220)

**17.78.140 Buffering and landscaping.**

- A. General Requirements. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.
- B. Buffer Strip. A strip of dense landscaping not less than five and one-half (5½) feet high and ten (10) feet wide, and including trees, shall be provided along all lot lines which abut a lot in any Rresidential Zzone, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
- C. Landscaping Coverage. A minimum of forty percent (40%) of the lot area of each lot shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 6222)

**17.78.150 Other zoning provisions.**

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-3 Zone.
- E. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the S-3 Zone.

(Ord. 12884 § 2 (part), 2008; amended during 1997 codification; Ord. 11807 § 5 (part), 1995; prior planning code § 6224)



## **Chapter 17.80 S-4 DESIGN REVIEW COMBINING ZONE REGULATIONS**

### **Sections:**

17.80.010 Title, purpose, and applicability.

17.80.020 Zones with which the S-4 Zzone may be combined.

17.80.030 Required design review process.

### **17.80.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the S-4 Design Revision Combining Zzone Regulations. The Design Review Combining (S-4) Zzone is intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance. These regulations shall apply in the S-4 Zzone, and are supplementary to the regulations applying in the zones with which the S-4 Zzone is combined.

(Prior planning code § 6250)

### **17.80.020 Zones with which the S-4 Zzone may be combined.**

The S-4 Zzone may be combined with any other zone.

(Prior planning code § 6251)

### **17.80.030 Required design review process.**

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

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure in the S-4 combining zone shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

(Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12501 § 58, 2003; prior planning code § 6252)

## **Chapter 17.82 S-6 MOBILE HOME COMBINING ZONE REGULATIONS**

### **Sections:**

17.82.010 Title, purpose, and applicability.

17.82.020 Zones with which the S-6 Zzone may be combined.

17.82.030 Additional permitted facilities.

17.82.040 Mobile Home park standards.

17.82.050 Mobile Home site standards.

### **17.82.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the S-6 Mobile Home park Combining Zzone Regulations. The Mobile Home Combining (S-6) Zzone is intended to create, preserve, and enhance areas containing attractive Mobile Home Parks, and is typically appropriate to a variety of living environments with good access to major thoroughfares. These regulations shall apply in the S-6 Zzone, and are supplementary to the regulations applying in the zones with which the S-6 Zzone is combined.

(Prior planning code § 6350)

### **17.82.020 Zones with which the S-6 Zzone may be combined.**

The S-6 Zzone may be combined only with a Residential or Commercial Zzone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6351)

### **17.82.030 Additional permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted in addition to those permitted in the zones with which the S-6 Zzone is combined:

#### **A. Residential Facilities:**

Mobile Home.

(Prior planning code § 6355)

### **17.82.040 Mobile Home park standards.**

- A. **Minimum Size.** Mobile Home Residential Facilities shall not be located on any lot having a lot area of less than forty-five thousand (45,000) square feet.
- B. **Maximum Density.** The maximum density in a Mobile Home Park shall be one (1) Mobile Home for each three thousand three hundred (3,300) square feet of lot area in such park.
- C. **Minimum Usable Open Space.** Group usable open space shall be provided in the minimum amount of three hundred (300) square feet per Mobile Home. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of one hundred

fifty (150) square feet per Mobile Home. All required space shall conform to the standards for required usable open space in Chapter 17.126.

- D. Landscaping. All areas in a Mobile Home park which are not devoted to Mobile Home pads, walkways, driveways, parking or loading areas, patios, usable open space, or recreation or service facilities shall be developed with lawn, ground cover, garden, shrubs, or trees, subject to the standards for required landscaping and screening in Chapter 17.124. Dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide shall be provided along all lot lines, exclusive of necessary walkways and driveways, subject to the standards for required landscaping and screening and the exceptions stated therein.
- E. Walkways. Walkways shall provide direct access between abutting streets and all individual Mobile Home sites.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6358)

**17.82.050 Mobile Home site standards.**

The site for each individual Mobile Home shall have a minimum area of two thousand (2,000) square feet and a minimum width mean of thirty (30) feet. No Mobile Home shall be closer than twenty (20) feet to any other Mobile Home or to any street line, nor closer than ten (10) feet to any lot line other than a street line.

(Prior planning code § 6359)

## **Chapter 17.84 S-7 PRESERVATION COMBINING ZONE REGULATIONS**

### **Sections:**

17.84.010 Title, purpose, and applicability.

17.84.020 Zones with which the S-7 Zzone may be combined.

17.84.040 Design review criteria for construction or alteration.

17.84.050, 17.84.060 Reserved.

17.84.070 Duty to keep in good repair.

### **17.84.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the S-7 Preservation Combining Zzone Regulations. The Preservation Combining (S-7) Zone is intended to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the City. These regulations shall apply in the S-7 Zone, and are supplementary to the provisions of Section 17.136.070 and to the other regulations applying in the zones with which the S-7 Zone is combined.

(Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 6400)

### **17.84.020 Zones with which the S-7 Zzone may be combined.**

The S-7 Zone may be combined with any other zone.

(Prior planning code § 6401)

### **17.84.040 Design review criteria for construction or alteration.**

In the S-7 Zone, proposals requiring Regular design review approval pursuant to Section 17.84.030 may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional design review criteria:

- B. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities. Consideration shall be given to integration with, and subordination to, the desired overall character of any such area or grouping of facilities. All design elements or effects specified in Subsection A<sub>2</sub> of this Section shall be so considered.
- C. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally-related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

## **Chapter 17.90 S-10 SCENIC ROUTE COMBINING ZONE REGULATIONS**

### **Sections:**

17.90.010 Title, purpose, and applicability.

17.90.020 Zones with which the S-10 Zzone may be combined.

17.90.030 Required design review process.

17.90.050 Design review criteria.

17.90.060 Restriction on subdivisions in the Shepherd Canyon Corridor.

17.90.070 Restriction of height on downslope lots.

17.90.080 Conditional use permit for waiver of certain requirements in the Shepherd Canyon Corridor.

### **17.90.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the S-10 Scenic Route Combining Zzone Regulations. The Scenic Route Combining (S-10) Zzone is intended to create, preserve, and enhance areas where hillside terrain, wooded canyons and ridges, and fine vistas or panoramas of Oakland, neighboring areas, or the Bay can be seen from the road, and is typically appropriate to roads along or near ridges, or through canyons, of the Oakland Hills which roads have good continuity and relatively infrequent vehicular access from abutting properties. These regulations shall apply in the S-10 Zzone, and are supplementary to the regulations applying in the zones with which the S-10 Zzone is combined.

(Prior planning code § 6550)

### **17.90.020 Zones with which the S-10 Zzone may be combined.**

The S-10 Zzone may be combined with any other zone.

(Prior planning code § 6551)

### **17.90.030 Required design review process.**

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.90.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

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

~~additional provisions in Section 17.90.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

(Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12501 § 62, 2003: prior planning code § 6552)

#### **17.90.050 Design review criteria.**

In the S-10 Zzone, proposals requiring Rregular design review approval pursuant to Section 17.90.030 may be granted only upon determination that the proposal conforms to the Rregular design review criteria set forth in the design review procedure in Chapter 17.136 and to both of the following additional criteria:

(Ord. 12776 § 3, Exh. A (part), 2006: prior planning code § 6562)

#### **17.90.060 Restriction on subdivisions in the Shepherd Canyon Corridor.**

Within the area shown as "RH-3, S-10" on Map 4 of the Shepherd Canyon Corridor Plan adopted by the City Council, no land shall be subdivided into two or more lots, and no lot line shall be moved more than five (5) feet, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

- A. That the proposal is consistent in all significant respects with the Shepherd Canyon Corridor Plan; and
- B. That every reasonable effort has been made to locate the building sites so as to maximize the conservation of open space which is valuable for visual, recreational, ecological, drainage, or safety purposes.

The above requirement is in addition to all applicable substantive and procedural regulations of the Oakland Municipal Code with respect to subdivisions and parcel maps. However, a conditional use permit is not required in cases where a Planned Unit Development permit authorizing the proposal has been granted pursuant to the Planned Unit Development procedure in Chapter 17.140.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6564)

#### **17.90.080 Conditional use permit for waiver of certain requirements in the Shepherd Canyon Corridor.**

The following provisions shall apply within the area shown as "RH-3, S-10" on Map 4 of the Shepherd Canyon Corridor Plan adopted by the City Council:

- A. Basic Provisions. Subject to the provisions of Subsection B, of this Section, the maximum height and the minimum yard and lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a subdivision or development, and parking may be located within the subdivision or development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:
- B. Minimum Size Under This Procedure. A conditional use permit pursuant to Subsection A, of this Section may be granted only if the total land area of the subdivision or development is less than four (4) acres.

## **Chapter 17.92 S-11 SITE DEVELOPMENT AND DESIGN REVIEW COMBINING ZONE REGULATIONS**

### **Sections:**

17.92.010 Title, purpose, and applicability.

17.92.020 Zones with which the S-11 Zzone may be combined.

17.92.030 Required design review process.

17.92.050 Design review criteria.

17.92.060 Limitations on residential density.

### **17.92.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the S-11 Ssite Ddevelopment and Design Rreview Combining Zzone Regulations. The Site Development and Design Review Combining (S-11) Zone is intended to create, preserve, and enhance areas subject to the North Oakland Hill Area Specific Plan adopted by the City Council and to assure that development there is sensitively integrated with the land forms, view corridors, and vegetation masses. These regulations shall apply in the S-11 Zone and are supplementary to the regulations applying in the zones with which the S-11 Zone is combined.

### **17.92.020 Zones with which the S-11 Zzone may be combined.**

The S-11 Zzone may be combined with any other zone.

### **17.92.030 Required design review process.**

~~Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.92.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Designated Historic Property, Potentially Designated Historic Property, Building Facility, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Section 17.92.050, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.~~

### **17.92.050 Design review criteria.**

In the S-11 Zone, proposals requiring Rregular design review approval pursuant to Section 17.92.030 may be granted only upon determination that the proposal conforms to the Rregular design review criteria set forth in the design review procedure in Chapter 17.136 and to the following additional criteria:

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- E. That the proposal will involve the minimum possible amount of grading, consistent with the attainment of other criteria set forth in this Ssection, and that an acceptable grading and/or erosion and sedimentation control plan, where required, has been or will be submitted;
- F. That, in conjunction with criterion E of this Ssection, retaining walls of excessive height and/or length will be avoided. Projects involving retaining walls over eight (8) feet in height and/or grading or removal of material in excess of five hundred (500) cubic yards shall be referred to the Director of City Planning for Rregular design review pursuant to Chapter 17.136;
- G. That fire hydrants will be provided consistent with the City of Oakland Fire Prevention Bureau's requirements;
- J. That if the proposal involves creating driveway access to Grizzly Peak Boulevard, Skyline Boulevard, Tunnel Road, or Shepherd Canyon Road, it will meet the same criteria as are specified in Subsections A<sub>2</sub> and B<sub>2</sub> of Section 17.90.040.

**17.92.060 Limitations on residential density.**

- A. Overall Density. The maximum overall number of dwelling units within any development shall be whichever of the following is applicable and lowest:
  - 1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in Subsection A<sub>2</sub> of Section 17.142.110 and the first three sentences of Subsection B<sub>2</sub> of Section 17.142.110.
  - 2. In the case of those properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units, the number of dwelling units indicated by that map.
  - 3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:
    - a. Dividing the street frontage of the property by the minimum lot width mean requirement in the respective Residential Zone; and
    - b. Counting the number of legally platted lots within the proposed development area; and
    - c. Analyzing the project under the Regular design review process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.

One through three above shall not be deemed to preclude such additional Secondary Units in the S-11 Zone as may be approved in accordance with the standards, criteria and conditions in Section 17.103.080.



## **Chapter 17.94 S-12 RESIDENTIAL PARKING COMBINING ZONE REGULATIONS**

### **Sections:**

- 17.94.010 Title, purpose, and applicability.
- 17.94.020 Zones with which the S-12 Zzone may be combined.
- 17.94.030 Activities to which S-12 Zzone regulations apply.
- 17.94.040 Off-street parking regulations—Residential Activities.
- 17.94.060 Parking spaces.
- 17.94.070 Maneuvering aisles.
- 17.94.080 Driveways.
- 17.94.090 Other dimensional requirements.
- 17.94.100 On-street parking regulations.
- 17.94.110 Alternate parking layouts.
- 17.94.130 Exceptions, variances, and appeals.

### **17.94.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the S-12 Residential Parking Combining Zzone Regulations. The Residential Parking Combining (S-12) Zone is intended to create, preserve, and enhance areas with high concentrations of Residential Facilities, to ensure that adequate off-street parking is provided for those facilities, and to maximize the general availability of on-street parking, and is typically appropriate in high density residential neighborhoods, adjacent commercial areas, and other neighborhoods where high concentrations of Residential Facilities may contribute to on-street parking congestion. These regulations shall apply in the S-12 Zone, and are supplemental to the regulations applying in the zones with which the S-12 Zone is combined.

(Prior planning code § 6650)

### **17.94.020 Zones with which the S-12 Zzone may be combined.**

The S-12 Zone may be combined with any other zone in which Residential Facilities are permitted or conditionally permitted.

(Prior planning code § 6651)

### **17.94.030 Activities to which S-12 Zzone 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.

(Ord. 12501 § 66, 2003: prior planning code § 6652)

**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.

- B. Visitor Parking. Where the basic requirement of Subsection A<sub>2</sub> of this Section is five (5) 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<sub>2</sub> and B<sub>2</sub> of this Section, and shall not be in addition to those requirements.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12501 § 67, 2003: Ord. 11861 § 6, 1996; prior planning code § 6655)

**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 Length	All Parking Except Parallel Width	Parallel Parking Length	Parallel Parking Width
Regular	18	8½	22	8
Intermediate	16½	8	20½	7½

OAKLAND

<b>Compact</b>	15	7½	19	7
<b>Handicapped</b>	*	*	*	*

\* 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 percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five (5) or more parking spaces are required, up to seventy-five percent (75%) 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 (3) 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 17.94.040\_A may be tandem spaces provided that:
  - 1. At least one (1) 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 (1) space in each pair shall be a regular parking space.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12501 § 68, 2003: prior planning code § 6661)

**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 Ssection. 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 Ssubsection A<sub>2</sub> of this Ssection may be reduced by one (1) foot, provided that all parking spaces served by the maneuvering aisle, other than handicapped spaces, are increased in width by one-half (1/2) foot.
- C. Additional Maneuvering Aisle Length. An additional five (5) feet of maneuvering aisle length beyond the end stall farthest from the street shall be provided whenever the maneuvering aisle width required by Ssubsection A<sub>2</sub> of this Ssection is reduced in accordance with Ssubsection B<sub>2</sub> of this Ssection, 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 Ssection, shall be defined as the continuous travel of a vehicle in a single direction from starting point to stopping point.

(Ord. 12501 § 69, 2003: prior planning code § 6662)

#### **17.94.080 Driveways.**

The requirements of this Ssection shall apply to all activities located in the S-12 Zone, and supersede the minimum driveway width set forth in Section 17.116.210 of the zoning regulations and the requirements for driveway openings set forth in Subsections A<sub>2</sub> and B<sub>2</sub> of Section 12.04.270 of the Oakland Municipal Code.

- A. Requirement for One-Lane Driveway. Except as provided in Ssubsections B<sub>2</sub> and C<sub>2</sub> of this Ssection, any driveway located in the S-12 Zone shall be a one-lane driveway.
- B. Requirement for Two-Lane Driveway. A driveway that provides both ingress from and egress to a minimum number of required off-street parking spaces shall be a two-lane driveway, such minimum number of spaces depending upon the classification of the street to which the driveway provides access, as indicated in the Land Use and Transportation Circulation Element of the Oakland General Comprehensive Plan. The minimum number of spaces served requiring a two-lane driveway shall be as set forth below.
  1. On arterial streets: ten (10) spaces;
  2. On collector streets: fifteen (15) spaces;

3. On all other streets: twenty (20) spaces.
- C. Requirement for Wider Driveway at Discretion of City Traffic Engineer. At his or her discretion, pursuant to Section 17.94.120, the City Traffic Engineer may require a two-lane driveway for off-street parking facilities which would ordinarily require a one-lane driveway; and may require a wider driveway and driveway opening for a Nonresidential Facility located in the S-12 Zone if such driveway and driveway opening serve vehicular activities other than, or in addition to, the parking of automobiles. The width of such nonresidential driveway and driveway opening shall not exceed thirty-five (35) feet, as specified in Section 17.09.270A of the Oakland Municipal Code.
  - D. Number of Driveways and Driveway Openings. All activities located in the S-12 Zone shall be limited to a single driveway, 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. One or more of the driveways providing ingress to and egress from the required parking spaces would be one-way; or
    2. The activity occupies a facility which contains two (2) or more separate parking areas between which direct vehicular travel is not possible; or
    3. The number of parking spaces served is greater than or equal to twice the minimum number of spaces for which a two-lane driveway is required by Subsection B<sub>2</sub> of this Section, in which case one two-lane driveway may be provided for each multiple of such minimum number; or
    4. The City Traffic Engineer determines that more than one driveway is necessary to ensure the safe and efficient operation of the activity.
  - E. Definition of One-Lane and Two-Lane Driveway. For purposes of this Section, a one-lane driveway shall be not less than nine (9) feet wide and not more than ten (10) feet wide, and its associated driveway opening shall be ten (10) feet wide; a two-lane driveway and its associated driveway opening shall be not less than eighteen (18) feet wide and not more than nineteen (19) feet wide.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6663)

#### **17.94.090 Other dimensional requirements.**

The requirements of this Section shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facility.

- A. Clear Space Next to a Wall or Other Obstruction. Where a regular, intermediate, or compact parking space is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle, and where such parking space abuts a wall or other similar obstruction which might interfere with pedestrian access to the space, a clear area shall be provided for the full length of the space on the same side as the wall or other obstruction; provided, however, that posts and other similar structural members may be located immediately adjacent to a required parking space when allowed by Subsection B<sub>2</sub> of this Section. For regular and intermediate spaces, the width of the clear area shall be two (2) feet, and for compact spaces, the width of the clear area shall be one and one-half (1½) feet. The requirements of this Subsection

supersede the requirement of Section 17.116.200A for additional width of a regular parking space which abuts a wall or other, similar obstruction.

- C. Vertical Clearance. All parking spaces, maneuvering aisles, and driveways shall have a full vertical clearance of no less than six feet eight inches (6'8"); provided, however, that the vertical clearance of no more than fifty percent (50%) of the required parking spaces may be reduced to no less than four (4) feet for a horizontal distance of no more than four (4) feet from the end of the space opposite the maneuvering aisle. Such reduced vertical clearance is not permitted for the independent parking space of any pair of tandem parking spaces.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6664)

#### **17.94.100 On-street parking regulations.**

The requirements of this Section shall apply to all activities located in the S-12 Zone, and supersede the minimum driveway separations set forth in Subsections C<sub>2</sub> and D<sub>2</sub> of Section 12.04.270 of the Oakland Municipal Code.

- A. Requirement to Maximize On-Street Parking Spaces. The placement of driveway openings, fire hydrants, street trees, lampposts, signs, and any other potential obstacles to the usability of on-street parking shall be arranged so as to maximize the number of usable on-street parking spaces immediately in front of, and adjacent to, the lot containing the activity. Where the lot containing the activity has frontage on more than one street, the number of usable on-street parking spaces shall be maximized along all frontages. The method for calculating the number of required usable on-street parking spaces shall be as set forth in Subsection B<sub>2</sub> of this Section.
- B. Calculation Rules for Required On-Street Parking Spaces. The number of usable on-street parking spaces required by Subsection A<sub>2</sub> of this Section shall be determined as set forth in steps 1 through 4 below. All measurements shall be in feet.
1. Measure the distance between the nearest parking obstructions on either side of the lot containing the activity.
  2. Subtract the width of the driveway opening or openings provided pursuant to Section 17.94.080, plus one and one-half (1½) feet on either side of each driveway opening.
  3. Subtract the width of any other parking obstructions immediately in front of the lot that presently exists or that would be constructed, located, or moved in conjunction with construction of the proposed driveway opening or openings.
  4. Divide the number obtained in step 3 by twenty (20) feet.

The number thus obtained, disregarding any fractional part thereof, shall be the number of usable on-street parking spaces required by Subsection A<sub>2</sub> of this Section.

- C. Definition of Parking Obstructions. For purposes of this Section, parking obstructions are any features, other than posted time limitations, which preclude or restrict the parallel on-street parking of an automobile, including, but not limited to, the following:
1. Any existing driveway opening plus one and one-half (1½) feet on either side;
  2. Any existing or required fire hydrant plus five (5) feet on either side;
  3. Any marked or unmarked crosswalk, plus a distance on either side to be determined by the City Traffic Engineer;

OAKLAND

4. Any red, yellow, green, white, blue, or other colored curb established by the City Traffic Engineer;
  5. Any area posted by the City Traffic Engineer for "No Parking Any Time";
  6. Any posted bus stop, the length of which shall be determined by the City Traffic Engineer if the curb is not marked;
  7. Any handicapped curb cut, plus a distance on either side to be determined by the City Traffic Engineer;
  8. Any metered parking space established by the City Traffic Engineer;
  9. Any parking space signed or marked by the City Traffic Engineer for angle parking;
  10. At approximate right-angle intersections, the curb return plus the area between the curb return and a point the following distance from the intersection of the curb lines projected: twenty (20) feet on the near side of the intersection, or ten (10) feet on the far side of the intersection, measured in the normal direction of vehicular travel. If no curb exists, the edge of the roadway where such curb return and the area specified above would be located;
  11. Any section of curb or roadway edge located between any two parking obstructions as defined in Subsections (C)(1) through (C)(10) of this Section, that is currently, and that will remain, too short to be a usable on-street parking space as defined in Subsection D<sub>2</sub> of this Section;
  12. Any section of curb or roadway edge along which the City Traffic Engineer determines that it is unsafe to park an automobile.
- D. Definition of Usable On-Street Parking Space. For purposes of this Section, a usable on-street parking space is a section of unmarked curb or roadway edge twenty (20) feet in length which does not contain any of the parking obstructions defined in Subsection C<sub>2</sub> of this Section.
- E. Determination by City Traffic Engineer in Special Circumstances. Where the street frontage of the lot containing the activity is in a parking meter zone or an area signed or marked for angle parking, or where the special characteristics of the proposed activity would preclude maximizing the number of usable on-street parking spaces, or in other special circumstances where the rules of Subsection B<sub>2</sub> of this Section cannot reasonably be applied, the number of required usable on-street parking spaces, and the required placement of driveway openings and other potential obstacles to usable on-street parking shall be determined by the City Traffic Engineer.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6665)

**17.94.110 Alternate parking layouts.**

Layouts of off-street parking spaces, maneuvering aisles, driveways, driveway openings, and other related features different from those prescribed in Sections 17.94.060 through 17.94.090 may be approved with a conditional use permit granted pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that:

- A. The number of off-street parking spaces required by Section 17.94.040 are provided in the mixture of types set forth in Section 17.94.060B; and

- B. The alternate parking layout is approved by the City Traffic Engineer pursuant to Section 17.94.120.

(Prior planning code § 6670)

**17.94.130 Exceptions, variances, and appeals.**

- A. Exceptions Within Street Right-of-Way. Exceptions-from the provisions of the S-12 Zone regulations pertaining to required on-street parking, driveways, driveway openings, and any other features located within the street right-of-way shall be considered by the City Traffic Engineer. The decision of the City Traffic Engineer may be appealed to the Driveway Appeals Board. The decision of the Driveway Appeals Board may be appealed to the Planning Commission, whose decision shall be final, pursuant to the procedures set forth in Sections 12.04.300 and 12.04.310 of the Oakland Municipal Code.
- B. Variances Outside Street Right-of-Way. Variances from the provisions of the S-12 Zone pertaining to required off-street parking spaces, maneuvering aisles, driveways, and other features located outside the street right-of-way shall be considered pursuant to the variance procedure in Chapter 17.148 of the zoning regulations.
- C. Appeal of Determination of City Traffic Engineer and/or Director of City Planning. In situations where the City Traffic Engineer and/or Director of City Planning makes a determination or imposes a requirement pursuant to the S-12 Zone regulations, an appeal of such determination or requirement shall be considered pursuant to Subsection A<sub>2</sub> and/or B<sub>2</sub> of this Section as appropriate.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; prior planning code § 6674)



**Chapter 17.97 S-15 TRANSIT-ORIENTED DEVELOPMENT ZONES REGULATIONS****Sections:**

17.97.010 Title, purpose, and applicability.

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

17.97.040 Permitted and conditionally permitted activities.

17.15.050 Permitted and conditionally permitted facilities.

17.97.080 Special regulations applying to certain Commercial and Industrial Activities.

17.97.090 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity.

17.97.100 Use permit criteria.

17.97.110 Limitations on Signs, marquees, awnings.

17.97.120 Minimum lot area, width, and frontage.

17.97.130 Height, floor area ratio (FAR), density, and open space.

17.97.140, 17.97.150 Reserved.

17.97.160 Minimum yards and courts.

17.97.180 Buffering and landscaping.

17.97.190 Special regulations for Mini-Lot Developments.

17.97.200 Special regulations for large-scale developments.

17.97.210 Other zoning provisions.

**17.97.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the S-15 Transit-Oriented Development Zones Regulations. The Transit-Oriented Development (S-15) Zones are intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of Residential, Civic, Commercial, and Light Industrial Activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as Bay Area Rapid Transit (BART) stations, AC Transit centers, and other transportation nodes. These regulations shall apply in the S-15 Zones.

(Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6850)

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

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one (1) acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.97.100 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a Planned Unit Development permit pursuant to Chapters 17.140 and 17.142, and shall be subject to the following special regulations:

**17.97.040 Permitted and conditionally permitted activities.**

Table 17.97.01 lists the permitted, conditionally permitted, and prohibited activities in the S-15 zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.97.01: Permitted and Conditionally Permitted Activities**

Activities	Zone		Additional Regulations
	S-15	S-15W	
<b>Residential Activities</b>			
Permanent	P	P	
Residential Care	<del>P(L1)C</del>	<del>P(L1)C</del>	<u>17.103.010</u>
<del>Service-Enriched Permanent</del> Supportive Housing	<del>P</del> C	<del>P</del> C	
Transitional Housing	<del>P</del> C	<del>P</del> C	<del>17.103.010</del>
Emergency Shelter	—	—	17.103.010
Semi-Transient	—	—	
Bed and Breakfast	—	—	17.10.125
<b>Civic Activities</b>			
Essential Service	<del>P(L23)</del>	<del>P(L23)</del>	
Limited Child-Care Activities	P	P	
Community Assembly	P	P	
Recreational Assembly	P	P	
Community Education	P	P	
Nonassembly Cultural	P	P	

OAKLAND

Activities	Zone		Additional Regulations
	S-15	S-15W	
Administrative	P	P	
Health Care	P	P	
Special Health Care	—	—	17.103.020
Utility and Vehicular	C	C	
Extensive Impact	C	C	
<b>Commercial Activities</b>			
General Food Sales	P	P	
Full Service Restaurants	P	P	
Limited Service Restaurant and Cafe	P	P	
Fast-Food Restaurant	C	C	17.103.030 and 8.09
Convenience Market	C	C	17.103.030
Alcoholic Beverage Sales	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	
Medical Service	P	P	
General Retail Sales	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	
Consumer Service	P	P	17.102.170 and 17.102.450
Consultative and Financial Service	P	P	
Check Cashier and Check Cashing	—	—	
Consumer Cleaning and Repair Service	C	C	
Consumer Dry Cleaning Plant	C	C	
Group Assembly	P	P	
Personal Instruction and Improvement Services	P	P	
Administrative	P	P	
Business, Communication, and Media Services	P	P	
Broadcasting and Recording Services	P	P	
Research Service	—	C	
General Wholesale Sales	—	C	
Transient Habitation	C	C	17.103.050

OAKLAND

Activities	Zone		Additional Regulations
	S-15	S-15W	
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	C	C	
Animal Boarding	C	C	
Animal Care	C	C	
Undertaking Service	—	—	
<b>Industrial Activities</b>			
Custom Manufacturing	C	P	
Light Manufacturing	—	C	
General Manufacturing	—	—	
Heavy/High Impact	—	—	
Research and Development	—	C	
Construction Operations	—	—	
Warehousing, Storage, and Distribution-Related			
A. General Warehousing, Storage and Distribution	—	—	
B. General Outdoor Storage	—	—	
C. Self- or Mini-Storage	—	—	
D. Container Storage	—	—	
E. Salvage/Junk Yards	—	—	
Regional Freight Transportation	—	—	
Trucking and Truck-Related	—	—	
Recycling and Waste-Related	—	—	
A. Satellite Recycling Collection Centers	—	—	
B. Primary Recycling Collection Centers	—	—	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	
<b>Agriculture and Extractive Activities</b>			

OAKLAND

Activities	Zone		Additional Regulations
	S-15	S-15W	
Limited Agriculture	P(L31)	P(L31)	
Extensive Agriculture	C(L42)	C(L42)	
Plant Nursery	—	—	
Mining and Quarrying	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	—	—	17.116.075
<b>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	17.102.110

**Limitations on Table 17.97.01:**

**L1.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

**L2.** Community Gardens are permitted outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L31.** Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

**L42.** Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these activities must meet the use permit criteria in Section 17.97.100.

~~**L3.** Community Gardens are permitted by right if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see for the CUP procedure).~~

**17.97.050 Permitted and conditionally permitted facilities.**

Table 17.97.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-15 Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

OAKLAND

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

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

"—" designates facilities that are prohibited.

**Table 17.97.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	S-15	S-15W	
<b>Residential Facilities</b>			
One-Family Dwelling	C	—(L2)	
One-Family Dwelling with Secondary Unit	—(L3)	—(L3)	17.103.080
Two-Family Dwelling	C	C	
Multifamily Dwelling	P	P	
Rooming House	—	C	
Mobile Home	—	—	
<b>Nonresidential Facilities</b>			
Enclosed Nonresidential	P	P	
Open Nonresidential	C(L1)	C(L1)	
Sidewalk Cafe	P	P	17.103.090
Drive-In Nonresidential	—	—	
Drive-Through Nonresidential	—	—	
<b>Telecommunications Facilities</b>			
Micro Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Mini Telecommunications	P (except when a Major Conditional Use Permit is required by Section 17.128.025)	C	17.128
Macro Telecommunications	C	C	17.128

OAKLAND

Facilities	Zones		Additional Regulations
	S-15	S-15W	
Monopole Telecommunications	C	—	17.128
Tower Telecommunications	—	—	17.128
<b>Sign Facilities</b>			
Residential Signs	P	P	17.104
Special Signs	P	P	17.104
Development Signs	P	P	17.104
Realty Signs	P	P	17.104
Civic Signs	P	P	17.104
Business Signs	P	P	17.104
Advertising Signs	—	—	17.104

**Limitations on Table 17.97.02:**

- L1.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L2.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L3.** A Secondary Unit that meets all requirements set forth in Section 17.103.080 may be permitted in conjunction with an existing One-Family Dwelling.

**17.97.080 Special regulations applying to certain Commercial and Industrial Activities.**

- A. Fast-Food Restaurants. Convenience Markets, and Certain Establishments Selling Alcoholic Beverages. See Section 17.103.030.
- B. Industrial Activities. All accessory Industrial Activities, as defined in Section 17.10.040.F, shall be conducted entirely within an enclosed facility.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996: prior planning code § 6858)

**17.97.100 Use permit criteria.**

In the S-15 Zones, a conditional use permit for any activity or facility listed in Sections 17.97.030, 17.97.040, 17.97.050, and 17.97.200, may be granted only upon determination that

## OAKLAND

the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;
- B. That the proposal will encourage an appropriate mixture of Residential and/or Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;
- F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:
  - 1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;
  - 2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;
  - 3. The new parking structure shall represent no more than a seventy-five percent (75%) increase of existing parking at the site;
  - 4. Auto fee parking at the site shall be specifically designated by a city sponsored plan or study designed to promote a transit oriented district as defined by the general plan;
  - 5. The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal Street(s) by the residential and/or commercial facility or facilities; and
  - 6. The project shall be consistent in all significant respects with the general plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this ~~subsection~~ 17.97.100(F), "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the general plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three (3) or more streets, at least two (2) streets shall be designated as principal streets.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12561 § 3 (part), 2004; Ord. 11892 § 4 (part), 1996; prior planning code § 6860)

### **17.97.110 Limitations on Signs, marquees, awnings.**

- A. **General Limitations.** All Signs shall be subject to the applicable limitations set forth in Chapter 17.104

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12606 An. A (part), 2004; Ord. 11892 § 4 (part), 1996; prior planning code § 6863)



**17.97.120 Minimum lot area, width, and frontage.**

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

(Ord. 12776 § 3, Exh. A (part), 2006; Ord. 11892 § 4 (part), 1996; prior planning code § 6864)

**17.97.130 Height, floor area ratio (FAR), density, and open space.**

Table 17.97.01 below prescribes height, FAR, density, and open space standards associated with the S-15 and S-15W Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified Height Area.

**Table 17.97.01 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area										Additional Regulations
	35	45	55	60	75	90	100	120	140	160	
<b>Maximum Height</b>	35 ft.	45 ft.	55 ft.	60 ft.	75 ft.	90 ft.	100 ft.	120 ft.	140 ft.	160 ft.	1, 2
<b>Height Minimum</b>											
Permitted height minimum	<u>N/A</u> <del>0 ft.</del>	<u>N/A</u> <del>0 ft.</del>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	<u>N/A</u>	<u>N/A</u>	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	3
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>											
Regular units	550	450	375	375	275	225	225	225	225	225	4, 5
Rooming units	275	225	185	185	135	110	110	110	110	110	4, 5
<b>Maximum Nonresidential FAR</b>	2.0	2.5	3.0	3.0	4.0	4.5	5.0	5.0	5.0	5.0	4, 5
<b>Maximum number of stories (not including underground construction)</b>	3	4	5	5	7	8	9	11	13	15	
<b>Minimum Usable Open Space</b>											
Group usable open space per regular unit	150	150	150	150	100	100	75	75	75	75	6
Group usable open space per regular unit when private open space substituted	30	30	30	30	20	20	15	15	15	15	6
Group usable open space per rooming unit	75	75	75	75	50	50	38	38	38	38	6

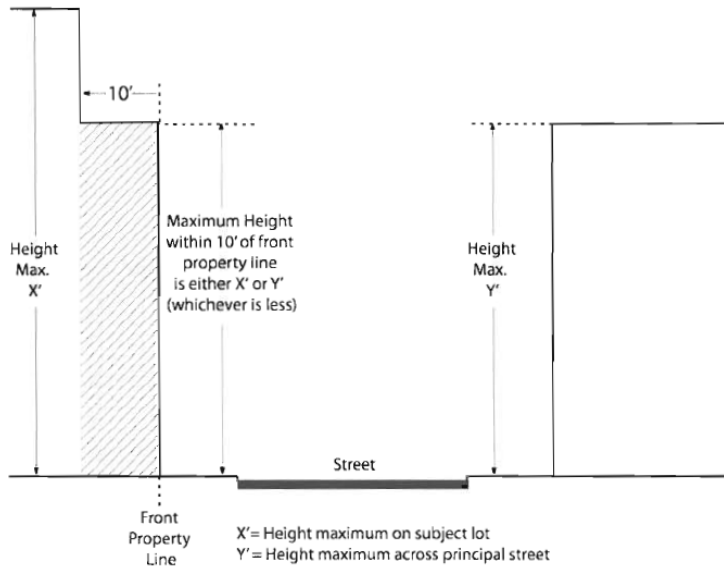
OAKLAND

Group usable open space per rooming unit when private open space is substituted	15	15	15	15	10	10	8	8	8	8	6
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**Additional Regulations for Table 17.97.01:**

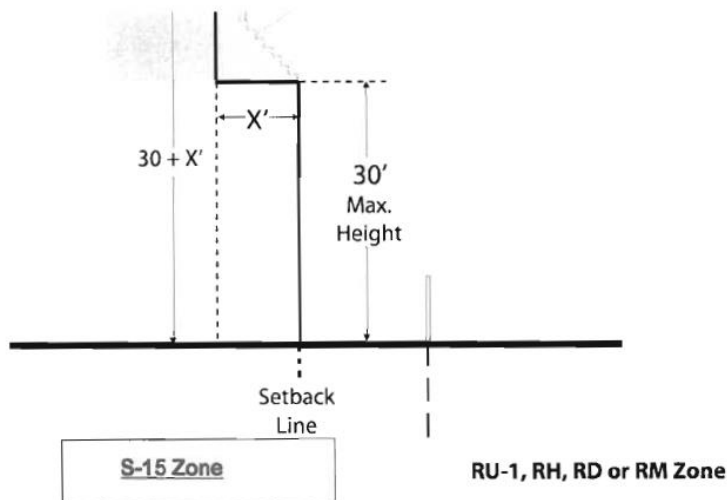
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.97.01 [Additional Regulation 1], below).

Illustration for Table 17.97.01 [Additional Regulation 1]  
 \*for illustration purposes only



2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, ~~or RM, or RU-1~~ Zone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.35.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration Table 17.35.04 [Additional Regulation 2]  
 \*for illustration purposes only



3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular or Extensive Impact Civic Activities, or Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, or Automobile and Other Light Vehicle Repair and Cleaning Commercial Activities may be exempted from the height minimum

regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
6. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

#### **17.97.160 Minimum yards and courts.**

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

- A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a Rresidential Zzone.
- B. Side Yard—Street Side or Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner is in a Rresidential Zzone.
- C. Side Yard—Interior Lot Line.
  1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.
  2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.
- D. Rear Yard.
  1. A rear yard with a minimum depth of ten (10) feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.
  2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.
- E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12776, § 3(Exh. A), adopted 2006; Ord. 11892 § 4 (part), 1996: prior planning code § 6870)

**17.97.180 Buffering and landscaping.**

- A. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.
- B. Landscaping. All uses shall be subject to the applicable requirements of the standards for required landscaping and screening, Chapter 17.124, with respect to maintenance, required materials and capacity, combination materials, and heights; and other matters specified therein.

(Ord. 12776 § 3, Exh. A (part), 2006: Ord. 11892 § 4 (part), 1996: prior planning code § 6872)

**17.97.190 Special regulations for Mini-Lot Developments.**

In Mini-Lot Developments, certain of the regulations otherwise applying to individual lots in the S-15 Zones may be waived or modified when and as prescribed in Chapter 17.142.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12776 § 3, Exh. A (part), 2006: Ord. 11892 § 4 (part), 1996: prior planning code § 6873)

**17.97.200 Special regulations for large-scale developments.**

No development which involves more than one hundred thousand (100,000) square feet of a-new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and Section 17.97.100, or upon the granting of a Planned Unit Development approval pursuant to Chapters 17.140 and 17.142.

(Ord. 12872 § 4 (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006: Ord. 11892 § 4 (part), 1996: prior planning code § 6875)

**17.97.210 Other zoning provisions.**

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-15 Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12884 § 2 (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006: amended during 1997 codification; prior code § 6876)

**Chapter 17.99 S-17 DOWNTOWN RESIDENTIAL OPEN SPACE COMBINING ZONE REGULATIONS**

**Sections:**

17.99.010 Title, purpose and applicability.

17.99.020 Zones with which the S-17 Zzone may be combined.

17.99.030 Definitions.

17.99.040 Permitted categories of usable open space.

17.99.050 Usable open space standards for residential development.

17.99.060 Landscaping requirements.

17.99.070 Conformance with design guidelines.

**17.99.010 Title, purpose and applicability.**

The provisions of this Cchapter shall be known as the S-17 Downtown Residential Open Space Combining Zzone Regulations. The Downtown Residential Open Space Combining (S-17) Zzone is intended to provide open space standards for residential development that are appropriate to the unique density, urban character and historic character of the Central Business District. These regulations shall apply in the S-17 Zzone, and are supplementary to the regulations applying in the zones with which the S-17 Zzone is combined.

(Ord. 12343 § 2 (part), 2001)

**17.99.020 Zones with which the S-17 Zzone may be combined.**

The S-17 Zzone may be combined with the portion of any zoning district that is located within the General Plan-designated Central Business District.

(Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12343 § 2 (part), 2001)

**17.99.030 Definitions.**

As used in this Cchapter, the following words will have the meaning set forth unless the context clearly indicates otherwise:

**17.99.040 Permitted categories of usable open space.**

Residential development in the S-17 Downtown Residential Open Space Combining Zzone shall provide a combination of the following usable open space categories, as defined in Section 17.99.030, in order to satisfy the standards established in Section 17.99.050:

**17.99.050 Usable open space standards for residential development.**

All required usable open space shall be permanently maintained and shall conform to the following standards:

OAKLAND

- A. **Area.** On each lot containing Residential Facilities with a total of two (2) or more living units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per standard unit, fifty (50) square feet per efficiency unit, and thirty-eight (38) square feet per rooming unit.
- B. **Limitations.** Not more than twenty percent (20%) of the required area shall be provided in widened sidewalks.
- C. **Size and Shape.** An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

<b>Private Usable Open Space</b>	10' (ground floor)
<b>Public Ground-Floor Plaza</b>	10'
<b>Widened Sidewalk</b>	10'*
<b>Rooftop</b>	15'
<b>Courtyard</b>	15'
<b>Off-Site Open Space</b>	5,000 square feet

\* Measurement does not include width of existing sidewalk, and is additive to existing sidewalk.

When space is located on a roof, the area occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

- E. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four feet high.
- F. **Accessibility.** Usable open space, other than private usable open space and off-site open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- G. **Enclosure.** Ground-level usable open space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways described in Section 17.106.020, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and

OAKLAND

the exceptions stated in said Chapter. However, when such screening would impair a beneficial outward and open orientation or view, with no building located opposite and within fifty (50) feet from such required screening, as measured perpendicularly therefrom in a horizontal plane, the above prescribed height may be reduced to three and one-half ( $3\frac{1}{2}$ ) feet. Fences and walls shall not be constructed as to interfere with the access required by applicable fire prevention regulations.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12343 § 2 (part), 2001)



**Chapter 17.100A S-19 HEALTH AND SAFETY PROTECTION COMBINING ZONE REGULATIONS**

**Sections:**

17.100A.030 Zones with which the S-19 Zone may be combined.

17.100A.040 Prohibited land uses.

17.100A.050 General standards.

**17.100A.030 Zones with which the S-19 Zone may be combined.**

A. The standards of the ~~is-S-19 Combining Zone~~ shall apply to the following zoning districts:

1. Housing and Business Mix (HBX) Zones;
2. D-CE-3 and D-CE-4 (Central Estuary District) Zones;
3. CIX-1 (Commercial Industrial Mix-1) Zone;
4. CIX-1A, CIX-1B, CIX-1C, and CIX-1D (West Oakland Plan Area Commercial Industrial Mix-1A, -1B, -1C, and -1D) Zones that are within the West Oakland District (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north);
5. CIX-2 (Commercial Industrial Mix-2), IG (General Industrial), and IO (Industrial Office) zoning districts that are within three hundred (300) feet from any Residential, Open Space, or Institutional Zone boundary.

B. The standards of this combining zone shall apply to the following facility types:

1. All new Nonresidential Facilities or Activities;
2. Any Nonresidential Facility which has lost its legal non-conforming status;
3. Any existing facility or activity where the usable floor area is expanded by more than twenty percent (20%) after the effective date of the adoption of this Chapter;
4. Any alteration or expansion of a facility or activity, such that it requires a new Risk Management Plan or other Hazardous Materials Business Plan.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A, 2008; Ord. 12875 § 2 (part), 2008)

**17.100A.040 Prohibited land uses.**

The following land use activities are prohibited within the S-19 Health and Safety Protection Combining Zone:

C. Activities which involve manufacturing, storing, or use of explosives.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A, 2008; Ord. 12875 § 2 (part), 2008)

**17.100A.050 General standards.**

The following additional regulations shall apply within the S-19 Health and Safety Protection Combining Zone:

- A. Storage and use of all hazardous materials and hazardous waste shall be reviewed and approved by the Fire Department prior to commencement of operation or any alteration of activity. A risk management plan may also be required, per the Certified Program Uniform Assistance (CUPA) Ordinance (O.M.C. Chapter 8.42).
- B. No storage or use of hazardous materials and waste can be located within three hundred (300) feet of a ~~R~~residential, ~~I~~institutional or ~~O~~pen ~~S~~pace ~~Zone~~ zoning district without written approval or consent of the Fire Department.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A, 2008; Ord. 12875 § 2 (part), 2008)

## **Chapter 17.100B S-20 HISTORIC PRESERVATION DISTRICT COMBINING ZONE REGULATIONS**

### **Sections:**

- 17.100B.010 Title, purpose, and applicability.
- 17.100B.020 Zones with which the S-20 Zzone may be combined.
- 17.100B.030 Required design review process.
- 17.100B.050 Design review criteria.
- 17.100B.060, 17.100B.070 Reserved.

### **17.100B.010 Title, purpose, and applicability.**

The provisions of this Cchapter shall be known as the S-20 Hhistoric Ppreservation Ddistrict Ccombining Zzone Rregulations. The HHistoric PPreservation DDistrict CCombining (S-20) ZZone is intended to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the city. The S-20 Zone is similar to the S-7 Ppreservation Ccombining Zzone, but is designed for larger areas, often with a large number of residential properties that may not be individually eligible for landmark designation but which as a whole constitute a historic district. The S-20 Zone provides generally more expeditious review procedures than those provided in the S-7 Zone. These regulations shall apply in the S-20 Zone, and are supplementary to the provisions of Section 17.136.070 for designated landmarks and to the other regulations applying in the zones with which the S-20 Zone is combined; if a property is both a landmark and located in the S-20 Zone and is therefore subject to both landmark and S-20 regulations, the stricter regulations prevail.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12513 Attach. A (part), 2003)

### **17.100B.020 Zones with which the S-20 Zzone may be combined.**

The S-20 Zone may be combined with any other zone.

(Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12513 Attach. A (part), 2003)

### **17.100B.030 Required design review process.**

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility (see Section 17.09.040 for definition), Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the additional provisions in Sections 17.100B.050,

17.100B.060, and 17.100B.070, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

- B. See Section 17.136.075 for design review criteria for the demolition or removal of Designated Historic Properties and Potentially Designated Historic Properties.

**17.100B.050 Design review criteria.**

In the S-20 Zone, proposals requiring Rregular design review approval pursuant to Section 17.100B.030 may be granted only upon determination that the proposal conforms to the Rregular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

- B. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the S-20 Historic Preservation Zone district or of neighboring facilities. Consideration shall be given to the desired overall character of any such area or grouping of facilities, including all design elements or effects specified in Subsection (A) above; and
- C. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally-related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(Ord. No. 12899 § 4, Exh. A, 2008; Ord. 12872 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord. 12513 Attach. A (part), 2003)

**Chapter 17.101A - D-WS WOOD STREET DISTRICT ZONE REGULATIONS**

**Sections:**

17.101A.010 Title, purpose, and applicability.

17.101A.020 - Permitted and conditionally permitted activities.

**17.101A.010 Title, purpose, and applicability.**

- A. The provisions of this Chapter (in combination with the separate Wood Street Zoning District document adopted by City Council as part of Ordinance 12673 C.M.S that prescribes the Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District), shall be known as the D-WS Wood Street District Zone Regulations. The intent of the Wood Street District (D-WS) Zone is intended to create an active, pedestrian oriented, mixed-use, urban community in the area generally bounded by 10th Street, Wood Street, West Grand Avenue and Frontage Road/I-880.
- B. The Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District, shall be as which are prescribed described in the original Ordinance 12673 C.M.S, amending Ordinance 13093 C.M.S, all subsequent amending Ordinances adopted by City Council, and as amended in Section 17.101A.020 below. All such regulation, shall apply to the area of the zoning maps with a D-WS designation.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101A.020 Permitted and conditionally permitted activities.**

Table 17.101A.01 lists the permitted, conditionally permitted, and prohibited activities in the Development Areas of the D-WS Zone. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding Development Areas of the D-WS Zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding Development Areas of the D-WS Zone (see Chapter 17.134 for the CUP procedure).

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

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

**Table 17.101A.01: Permitted and Conditionally Permitted Activities**

Activities	Development Areas of the D-WS Zone									Addition al Regulation s
	1	2	3	4	5	6	7	8	9	
<b>Residential Activities</b>										

OAKLAND

Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Permanent	P	P	P	P	—	P	P	P	—	
Residential Care	<u>P(L1)€</u>	<u>P(L1)€</u>	<u>P(L1)€</u>	<u>P(L1)€</u>	—	<u>P(L1)€</u>	<u>P(L1)€</u>	<u>P(L1)€</u>	—	17.103.010
<del>Service-Enriched Permanent Supportive Housing</del>	<del>P(L1)</del>	<del>P(L1)</del>	<del>P(L1)</del>	<del>P(L1)</del>	<del>—P(L1)</del>	<del>P(L1)</del>	<del>P(L1)</del>	<del>P(L1)</del>	—	<del>17.103.010</del>
Transitional Housing	<u>P—</u>	<u>P—</u>	<u>P—</u>	<u>P—</u>	—	<u>P—</u>	<u>P—</u>	<u>P—</u>	—	17.103.010
Emergency Shelter	—	—	—	—	—	—	—	—	—	17.103.010
Semi-Transient	—	—	—	—	—	—	—	—	—	
Bed and Breakfast										17.10.125
<b>Civic Activities</b>										
Essential Service	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	P(L13)	
Limited Child-Care	—	P	—	P	P	P	—	P	—	
Community Assembly	—	P(L2)	—	P(L2)	P(L2)	P(L2)	—	P(L2)	C(L12)	
Recreational Assembly	—	—	—	—	C	—	—	—	C(L12)	
Community Education	C	C	C	C	C	C	C	C	C	
Nonassembly Cultural	—	P	—	P	P	P	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P(L3)	—	P	—	
Health Care	—	P(L3)	—	C	C	C	—	P	—	
Special Health Care	—	—	—	—	—	—	—	—	—	17.103.020

OAKLAND

Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Utility and Vehicular	—	P(L4)	—	P(L4)	P(L4)	P(L3)	—	P(L4)	—	
Extensive Impact	—	—	—	—	—	—	—	—	—	
<b>Commercial Activities</b>										
General Food Sales	—	P(L5)	—	P(L5)	P	P(L5)	—	P(L5)	—	
Full Service Restaurant	—	P	—	P	P	P	—	P	—	
Limited Service Restaurant and Cafe	—	P	—	P	P	P	—	P	—	
Fast Food Restaurant	—	—	—	C	C	C	—	C	—	17.103.030 and 8.09
Convenience Market	—	C(L6)	—	C(L6)	C(L6)	C(L6)	—	C(L6)	—	17.103.030
Alcoholic Beverage Sales	—	C(L7)	—	C(L7)	C(L7)	C(L7)	—	C(L7)	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	—	—	—	—	
Medical Service	—	P(L8)	—	P(L8)	P(L8)	P(L8)	—	P(L8)	—	
General Retail Sales	—	P(L3)	—	P(L3)	P	P	—	P	—	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	—	—	—	—	
Consumer Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consultative and Financial	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	

OAKLAND

Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Service										
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Consumer Dry Cleaning Plant	—	—	—	—	—	—	—	—	—	
Group Assembly	—	—	—	—	C	—	—	P	C(L12)	
Personal Instruction and Improvement Services	—	P(L3)	—	P(L3)	P(L3)	P(L3)	—	P	—	
Administrative	—	P(L3)	—	P(L3)	P	P	—	P	—	
Business, Communication, and Media Service	—	C	—	C	C	C	—	P	—	
Broadcasting and Recording Service	—	C	—	C	C	C	—	P	—	
Research Service	—	C(L11)	—	—	—	—	—	P	—	
General Wholesale Sales	—	C(L11)	—	—	—	—	—	P	—	
Transient Habitation	—	—	—	—	—	—	—	P	—	17.103.050
Building Material Sales	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P	—	
Automobile and Other Light Vehicle	—	—	—	—	—	—	—	—	—	



OAKLAND

Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Sales and Rental										
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	—	—	—	—	
Automotive and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	—	—	—	
Automotive Fee Parking	—	—	—	—	—	—	—	—	—	
Animal Care	—	—	—	—	—	—	—	—	—	
Animal Boarding	—	—	—	—	—	—	—	—	—	
Undertaking Service	—	—	—	—	—	—	—	—	—	
<b>Industrial Activities</b>										
Custom Manufacturing	—	P	—	C	C	C	—	P	—	
Light Manufacturing	—	C	—	—	C	—	—	C	—	
General Manufacturing	—	—	—	—	—	—	—	C	—	
Heavy/High Impact Manufacturing	—	—	—	—	—	—	—	—	—	
Research and Development	—	C(L11)	—	—	C	—	—	—	—	
Construction Operations	—	P(L10)	—	P(L10)	P(L10)	P(L10)	—	P(L10)	—	

OAKLAND

Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
Warehousing, Storage and Distribution-Related:										
A. General Warehousing, Storage and Distribution	—	C(L11)	—	—	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	—	—	—	—	
E. Automotive Salvage and Junk Yards	—	—	—	—	—	—	—	—	—	
Regional Freight Transportation :	—	—	—	—	—	—	—	—	—	
Trucking and Truck-Related:	—	—	—	—	—	—	—	—	—	
Recycling and Waste-Related:										
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	—	—	—	—	
Hazardous Materials Production, Storage & and Waste Management-Related	—	—	—	—	—	—	—	—	—	

OAKLAND

Activities	Development Areas of the D-WS Zone									Additional Regulations
	1	2	3	4	5	6	7	8	9	
<b>Agricultural and Extractive Activities</b>										
Plant Nursery	—	—	—	—	—	—	—	—	—	
Limited Agriculture	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Extensive Agriculture	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Mining and Quarrying Extractive	—	—	—	—	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	—	—	—	—	—	—	—	—	—	17.116.175
<b>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof</b>	—	—	—	—	—	—	—	—	—	17.102.110

**Limitations on Table 17.101A.01:**

**L1.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

~~**L1.** Service Enriched Permanent Housing Residential Activities for residents aged sixty (60) years or under requires the granting of a conditional use permit (see Chapter 17.134).~~

**L2.** Only the following activities are permitted: 1) places of worship, churches, temples, mosques, and synagogues with a total floor area of three thousand (3,000) square feet or less;

and 2) public, parochial, private, and non-profit clubs and lodges, meeting halls, recreation centers, and gymnasiums with a floor area of five thousand (5,000) square feet or less.

**L3.** Activities with a total floor area greater than three thousand (3,000) square feet require the granting of a conditional use permit (see Chapter 17.134), and activities with a floor area over five thousand (5,000) square feet are prohibited.

**L4.** Only police substations and neighborhood-servicing post offices that have a total floor area not exceeding one thousand (1,000) square feet are permitted. Other Utility and Vehicular Civic Activities are prohibited.

**L5.** Grocery markets shall be: 1) limited to a maximum floor area of three thousand (3,000) square feet; and 2) only be open between 6:00 AM and 10:00PM.

**L6.** Convenience markets shall not be greater than five thousand (5,000) square feet.

**L7.** Alcoholic Beverage Sales is limited to sale of beer and wine.

**L8.** Floor area devoted to Medical Service Commercial Activities is limited to a maximum two thousand five hundred (2,500) square feet.

**L9.** Retail Business supply stores shall be: 1) limited to office and art supply stores; and 2) limited to a maximum of three thousand (3,000) square feet.

**L10.** Activities with a total floor area greater than five thousand (5,000) square feet require the granting of a conditional use permit (see Chapter 17.134) and activities with a floor area over ten thousand (10,000) square feet are prohibited except for Development Area 2B (the icehouse property). This activity is limited to neighborhood-serving construction product sales and services (Note: Hardware Stores are a General Retail Commercial Activity, refer to L3)

**L11.** Only applies to the "Icehouse" building located in Development Area 2B.

**L12.** Only Passive Recreation is allowed. Active Recreation and Overnight Camping are not allowed.

**L13.** Community Gardens and Botanical Gardens are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L14.** Limited Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

## OAKLAND

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

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

**Chapter 17.101B D-OTN OAK TO NINTH DISTRICT ZONE REGULATIONS**

**Sections:**

17.101B.010 Title, purpose, and applicability.

17.101B.020 Permitted and conditionally permitted activities.

**17.101B.010 Title, purpose, and applicability.**

- A. The provisions of this Chapter shall be known as the D-OTN Oak to Ninth District Zone Regulations.
- B. The "Zoning Regulations and Standards for Development and Use of Property within the Planned Waterfront Zoning District (PWD-4) Oak to Ninth Mixed Use Development" which are attached to Ordinance 12758 C.M.S, and as amended in Section 17.101B.020, shall apply to the area designated in Ordinance 12759 C.M.S.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101B.020 Permitted and conditionally permitted activities.**

Table 17.101B.01 lists the permitted, conditionally permitted, and prohibited activities in the D-OTN and OS-RSP zones within the ~~Planned Waterfront Zoning District~~ Oak to Ninth/Brooklyn Basin Mixed Use Development. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.101B.01: Permitted and Conditionally Permitted Activities**

Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
<b>Residential Activities</b>			
Permanent	P	C	
Residential Care	<u>P(L3)C</u>	<u>C—</u>	<u>17.103.010</u>
<del>Service-Enriched Permanent</del> <u>Supportive Housing</u>	<u>P C</u>	<u>C—</u>	
Transitional Housing	<u>P—</u>	<u>C—</u>	<u>17.103.010</u>
Emergency Shelter	—	—	17.103.010
Semi-Transient	C	—	

OAKLAND

Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
Bed and Breakfast	=	=	17.10.125
<b>Civic Activities</b>			
Essential Service	P	C	
Limited Child-Care Activities	P	C	
Community Assembly	P	C	
Recreational Assembly	P	C	
Community Education	P	C	
Nonassembly Cultural	P	C	
Administrative	P	C	
Health Care	C	—	
Special Health Care	C	—	17.103.020
Utility and Vehicular	C	—	
Extensive Impact	C	C	
A. Marinas	—	C	
<b>Commercial Activities</b>			
General Food Sales	P	—	
Full Service Restaurants	P	C	
Limited Service Restaurant and Cafe	P	C	
Fast-Food Restaurant	C	—	17.103.030 and 8.09
A. Vehicular Food Vending	—	—	
Convenience Market	P	—	17.103.030
Alcoholic Beverage Sales	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	—	
Medical Service	C	—	
General Retail Sales	P	—	
Large-Scale Combined Retail and Grocery Sales	—	—	
Consumer Service	P	—	17.102.170 and 17.102.450
Consultative and Financial Service	P	—	
Check Cashier and Check Cashing	—	—	

OAKLAND

Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
Consumer Cleaning and Repair Service	P	—	
Consumer Dry Cleaning Plant	C	—	
Group Assembly	C	—	
Personal Instruction and Improvement Services	P	—	
Administrative	P	—	
Business, Communication, and Media Services	P	—	
Broadcasting and Recording Services	P	—	
Research Service	P	—	
General Wholesale Sales	—	—	
Transient Habitation	C	—	17.103.050
Building Material Sales	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	
Taxi and Light Fleet-Based Services	—	—	
Automotive Fee Parking	C	—	
Animal Boarding	—	—	
Animal Care	—	C	
Undertaking Service	—	—	
<b>Industrial Activities</b>			
Custom Manufacturing	—	—	
Light Manufacturing	—	—	
General Manufacturing	—	—	
Heavy/High Impact	—	—	
Research and Development	—	—	
Construction Operations	—	—	
Warehousing, Storage, and Distribution-Related			
A. General Warehousing, Storage and Distribution	—	—	
B. General Outdoor Storage	—	—	
C. Self- or Mini-Storage	—	—	



OAKLAND

Activities	Zones		Additional Regulations
	D-OTN	OS-RSP	
D. Container Storage	—	—	
E. Salvage/Junk Yards	—	—	
Regional Freight Transportation	—	—	
Trucking and Truck-Related	—	—	
Recycling and Waste-Related	—	—	
A. Satellite Recycling Collection Centers	—	—	
B. Primary Recycling Collection Centers	—	—	17.103.060
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	
<b>Agriculture and Extractive Activities</b>			
Limited Agriculture	C(L1)	—	
Extensive Agriculture	C(L2)	—	
Plant Nursery	—	—	
Mining and Quarrying	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	—	—	17.116.075
<b>Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	17.102.110

**Limitations on Table 17.101B.01:**

**L1.** Limited Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

**L2.** Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

OAKLAND

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

L3. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

## Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS

### Sections:

17.101C.010 - Title, intent, and description.

17.101C.030 - Permitted and conditionally permitted activities.

17.101C.040 - Permitted and conditionally permitted facilities.

17.101C.050 - Property development standards.

17.101C.055 - Micro Living Quarters

17.101C.060 - Special regulations for Mini-Lot and Planned Unit Developments.

17.101C.070 - Other zoning provisions.

### 17.101C.010 - Title, intent, and description.

**A. Title and Intent.** The intent of the D-BV Broadway Valdez District Commercial (~~D-BV~~) Zones is to implement the Broadway Valdez District Specific Plan, ~~(BVDSP)~~. The Broadway Valdez District Specific Plan area is divided into two subareas: the Valdez Triangle and the North End. These regulations shall apply to the Broadway Valdez District (D-BV) Zzones.

1. The intent for the Valdez Triangle subarea regulations is to:

- a. Create a recognized Oakland destination that provides a mix of uses that contributes to around-the-clock activity with people present both day and night, and on weekdays and weekends.
- b. Create a destination retail district that addresses the City's need for comparison goods shopping complemented with local-serving retail, dining, entertainment, office, and service uses.
- c. Encourage, support, and enhance a mix of small, medium, and large-scale retail, commercial, dining, entertainment, arts, cultural, office, residential, service, public plaza, and visitor uses.
- d. Encourage and enhance a pedestrian-oriented streetscape with street-fronting retail and complementary dining and entertainment uses.
- e. Establish a pedestrian, bicycle, and transit-oriented district that accommodates vehicular access.

2. The intent for the North End subarea regulations is to:

- a. Create an attractive, mixed-use boulevard that links the Downtown and Valdez Triangle areas to the Pill Hill, Piedmont, and North Broadway areas, and is integrated with the adjoining residential and health care-oriented neighborhoods.
- b. Encourage horizontally or vertically mixed use development that complements the Valdez Triangle and addresses the needs of adjoining and nearby neighborhoods with the potential of serving some regional needs close to Interstate 580.

- c. Encourage uses that complement and support the adjoining medical centers, such as professional and medical office uses, medical supplies outlets, and visitor and workforce housing.
- d. Encourage existing and new automotive sales that incorporate an urban format with a showroom and repair shop providing car storage either in a structured garage or in an off-site location.

**B. Description of Zones.** This Chapter establishes land use regulations for the following four (4) zones:

1. **D-BV-1 Broadway Valdez District Retail Priority Sites Commercial – 1 Zone--1.** The intent of the D-BV-1 Zzone is to establish Retail Priority Sites in the Broadway Valdez District Specific Plan Area in order to encourage a core of comparison goods retail with a combination of small-, medium-, and large-scale retail stores. Priority Sites 3 and 5 are further divided into subareas a, b, and c and Priority Site 4 into subareas a and b as shown in the Height Area Map. Each Retail Priority Site and subarea will have a specified minimum square footage of retail required prior to Residential or Transient Habitation Activities and Facilities being permitted.
2. **D-BV-2 Broadway Valdez District Retail Commercial – 2 Zone--2.** The intent of the D-BV-2 Zzone is to create, maintain, and enhance areas of the Broadway Valdez District Specific Plan Area for ground-level retail, restaurants, entertainment, and art activities with pedestrian-oriented, active storefront uses. Upper-story spaces are intended to be available for a wide range of Office and Residential Activities.
3. **D-BV-3 Broadway Valdez District Mixed Use Boulevard Commercial – 3 Zone--3.** The D-BV-3 Zzone is intended to create, maintain, and enhance areas with direct frontage and access along Broadway, 27<sup>th</sup> Street, Piedmont Avenue, and Harrison Street. A wider range of ground-floor office and other commercial activities are allowed than permitted in the D-BV-2 Zzone with upper-story spaces intended to be available for a broad range of Residential, Office, or other Commercial Activities. Mixed uses can ~~could~~ either be vertical and/or horizontal.
4. **D-BV-4 Broadway Valdez District Mixed Use Commercial – 4 Zone--4.** The D-BV-4 Zzone is intended to create, maintain, and enhance areas that do not front Broadway, 27<sup>th</sup> Street, Piedmont Avenue, or Harrison Street, and allows the widest range of uses on the ground floor including both residential and commercial businesses. Upper-story spaces are intended to be available for a broad range of Residential or Commercial Activities.

**C. Description of Combining Zone.** This Chapter establishes land use regulations for the following combining zone:

1. **N North Large Development Site Combining Zone.** The intent of the N Combining Zzone is to encourage more active commercial uses on those sites that have deeper lots that front along Broadway. Incentives for large developments are included. When a primary zone is combined with the N Combining Zzone, the N Combining Zone permitted uses supersede those of the primary zone.

**17.101C.030 - Permitted and conditionally permitted activities.**

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

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"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.101C.01: Permitted and Conditionally Permitted Activities**

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
<b>Residential Activities</b>						
Permanent	C(L2)(L3)	<del>P(L1)</del> (L3)(L4)	<del>P(L1)</del> (L3)(L5)	<del>P(L1)</del> (L3)(L6)	P(L1)(L3)(L6)	
Residential Care	<del>C(L1)</del> (L2)(L3) —	<del>P(L1)</del> (L3)(L4)	<del>P(L1)</del> (L3)(L5)	<del>P(L1)</del> (L3)(L6)	P(L1)(L3)(L6)	17.103.010
<del>Service-Enriched Permanent</del> Supportive Housing	<del>C(L2)</del> (L3) —	<del>P(L1)</del> (L3)(L4)	<del>P(L1)</del> (L3)(L5)	<del>P(L1)</del> (L3)(L6)	P(L1)(L3)(L6)	17.103.010
Transitional Housing	<del>C(L2)</del> (L3) —	<del>P(L1)</del> (L3)(L4)	<del>P(L1)</del> (L3)(L5)	<del>P(L1)</del> (L3)(L6)	P(L1)(L3)(L6)	17.103.010
Emergency Shelter	—	—	—	—	—(L7)	17.103.010
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	—	C	C	C	C	17.10.125
<b>Civic Activities</b>						
Essential Service	P(L19)	P(L19)	P(L19)	P(L22)	P(L19)	
Limited Child-Care Activities	P(L4)	P(L6)	P(L5)	P	P(L6)	
Community Assembly	C(L4)	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	P(L4)	P(L8)	P(L5)	P	P	
Nonassembly Cultural	P	P	P	P	P	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Health Care	C(L4)	P(L6)	P(L5)	P	P(L6)	
Special Health Care	—	—	C(L9)(L10)	C(L9)	C(L9)(L10)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	

OAKLAND

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
<b>Commercial Activities</b>						
General Food Sales	P(L11)(L12)	P	P	P	P	
Full Service Restaurants	P(L12)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L12)	P	P	P	P	
Fast-Food Restaurant	C(L12)	C	C	C	C	17.103.030 and 8.09
Convenience Market	—	C	C	C	—	17.103.030
Alcoholic Beverage Sales	C(L12)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Retail Sales	P(L12)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L11)(L13)	P(L8)(L13)	P(L13)	P(L13)(L14)	P	
Consultative and Financial Service	P(L4)	P(L6)	P	P	P(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L8)	P(L14)	P(L14)	P(L14)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	—	
Group Assembly	C(L4)(L12)(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Personal Instruction and Improvement Services	P(L8)	P(L8)	P	P	P(L5)	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Business, Communication, and Media Services	P(L4)	P(L8)	P	P	P(L5)	

OAKLAND

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Broadcasting and Recording Services	P(L4)	P(L6)	P(L5)	P	P(L6)	
Research Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	C(L2)	C	C	—	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	C(L12)(L16)	C(L16)	C(L16)	C(L16)	C(L16)	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L17)	—(L17)	C(L5)	—(L17)	—(L17)	
Automobile and Other Light Vehicle Repair and Cleaning	—(L17)	—(L17)	C(L5)	—(L17)	—(L17)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	P(L18)	P(L18)	P(L18)	P(L18)	P(L18)	
Animal Boarding	—	—	—	C	—	
Animal Care	—	C(L10)	P(L5)	P	P(L6)	
Undertaking Service	—	—	—	—	—	
<b>Industrial Activities</b>						
Custom Manufacturing	C(L11)	C	P(L5)	P(L8)	C	17.120
Light Manufacturing	—	—	—	—	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	—	—	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution-Related						
A. General Warehousing, Storage and Distribution	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self- or Mini- Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	

OAKLAND

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Regional Freight Transportation	—	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>						
Limited Agriculture	—	—	—	C(L20)	—	
Extensive Agriculture	—	—	—	C(L21)	—	
Plant Nursery	—	—	C(L5)	C	—	
Mining and Quarrying	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C(L8)	C(L8)	C(L5)	C	C(L5)	17.116.075
<b>Activities that are listed as prohibited or conditionally permitted on nearby lots in an adjacent zone</b>	C(L8)	C(L8)	C(L5)	C	C(L5)	17.102.110

\*If the N Combining Zone, the N regulations supersede the primary zone.

**Limitations on Table 17.101C.01:**

**L1.** Except in the D-BV-1 Zone, Residential Care is permitted if located in a One-Family Dwelling Residential Facility. Residential Care is conditionally permitted if located anywhere in the D-BV-1 Zone; or if located anywhere other than a One-Family Dwelling Residential Facility in the D-BV-2, D-BV-3, or D-BV-4 Zones (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

~~**L1.** Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.~~



**L3.** See Section 17.101C.040 for limitations on the construction of certain types of new Residential Facilities.

**L6.** These activities are prohibited if located on the ground floor of a building and within sixty (60) feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

**L9.** These activities are limited to areas north of Hawthorne Street and west of Broadway. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L11.** If greater than five thousand (5,000) square feet of floor area, these activities are not allowed in new construction unless combined within a retail project that meets the requirements of Section 17.101C.050C and Section 17.101C.050D.

**L12.** Only these activities can be counted towards the minimum retail floor area that is required in order to develop Residential Facilities pursuant to Section 17.101C.050C and Section 17.101C.050D. For General Food Sales Commercial Activities, no more than five thousand (5,000) square feet can be counted toward the minimum retail area; for Group Assembly Commercial Activities, only a movie theatre that is above the ground floor can be counted toward the minimum retail area; for Automobile and Other Light Vehicle Sales and Rental Commercial Activities, only the interior showroom space can be counted toward the residential bonus threshold (space for auto repair, interior/outdoor inventory storage, and outdoor sales is not included). For pharmacies that fall within the General Retail Sales Commercial Activities: (a) if the retail component of the store is predominantly comparison goods, then the activity is permitted and counts toward the minimum retail floor area that is required in order to develop Residential Facilities; (b) if the retail component of the store is predominantly convenience goods, then the activity does not count toward the minimum retail floor area that is required in order to develop Residential Facilities and is only permitted upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure), and shall conform to the CUP criteria contained in Section 17.134.050. As described in the Broadway Valdez District Specific Plan and as further determined by the Planning Director: comparison goods include items such as clothing, jewelry, toys, books, sporting goods, home furnishings, appliances, and electronics; and convenience goods include items such as groceries, toiletries, alcoholic and soft drinks, tobacco products, candy, magazines, and newspapers.

**L15.** No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Rresidential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

**L16.** Showrooms associated with these activities must be enclosed. Auto service is only allowed as an accessory activity. These activities are only permitted upon the granting of a Conditional Use Permit. In addition to the CUP criteria in Section 17.134.050, these activities must meet each of the following additional criteria:

1. That there will be no outside inventory lots;
2. That auto inventory will be stored either:

- a. inside or on top of the dealership building; or
  - b. located at an offsite location that is outside of the D-BV-1, D-BV-2, or D-BV-3 Zzones; or
  - c. within an existing structured parking facility that is within the D-BV-1, D-BV-2, or D-BV-3 Zzones; or within a new structured parking facility that is within the D-BV-3 Zzone;
3. That the proposal will not detract from the character desired for the area;
  4. That the proposal will not impair a generally continuous wall of building facades;
  5. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
  6. That the proposal will not interfere with the movement of people along an important pedestrian street; and
  7. That the proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

**L22.** Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**17.101C.040 - Permitted and conditionally permitted facilities.**

Table 17.101C.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-BV Zzones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.101C.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
<b>Residential Facilities</b>						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)	—(L1)	

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Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Multifamily Dwelling	C(L2)	P(L3)	P(L4)	P	P(L5)	
Rooming House	C(L2)	P(L3)	P(L4)	P	P(L5)	
Micro Living Quarters	=	C(L3)(L7)	C(L4)(L6)(L7)	—	—	17.101C.055
Mobile Home	—	—	—	—	—	
<b>Nonresidential Facilities</b>						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	C(L8)	C(L8)	C(L8)	C(L8)	C(L8)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In	—	—	—	—	—	
Drive-Through	—	—	C(L9)	—	—	17.103.100
<b>Telecommunications Facilities</b>						
Micro Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Mini Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	—	—	17.128
Tower Telecommunications	—	—	—	—	—	17.128
<b>Sign Facilities</b>						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

\*In the N Combining Zone, the N regulations supersede the primary zone.

**Limitations on Table 17.101C.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. A Secondary Unit may be permitted when there is no more than one (1) existing Primary Unit on a lot, subject to the provisions of Section 17.103.080.

**L4.** Construction of new ground-floor Residential Facilities within sixty (60) feet from any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.

**L5.** Construction of new ground-floor Residential Facilities within sixty (60) feet from any street-abutting property line facing Broadway is prohibited. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

**L10.** See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential or HBX Zones.

**17.101C.050 - Property development standards.**

A. **Zone Specific Standards.** Table 17.101C.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

**Table 17.101C.03: Property Development Standards**

Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
<b>Minimum Lot Dimensions</b>						
Lot Width mean	100 ft.	50 ft.	25 ft.	25 ft.	100 ft.	1
Frontage	100 ft.	50 ft.	25 ft.	25 ft.	100 ft.	1
Lot area	10,000 sf.	7,500 sf.	4,000 sf.	4,000	10,000 sf.	1
<b>Minimum/Maximum Setbacks</b>						
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0-4 ft.	2, 3
Maximum front	5 ft.	5 ft.	10 ft.	N/A	5 ft.	4
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	5, 6
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	7
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	8, 9
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	9
<b>Design Regulations</b>						
Minimum ground floor nonresidential facade transparency	55%	55%	55%	N/A	55%	10
Minimum height of ground floor Nonresidential	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	11

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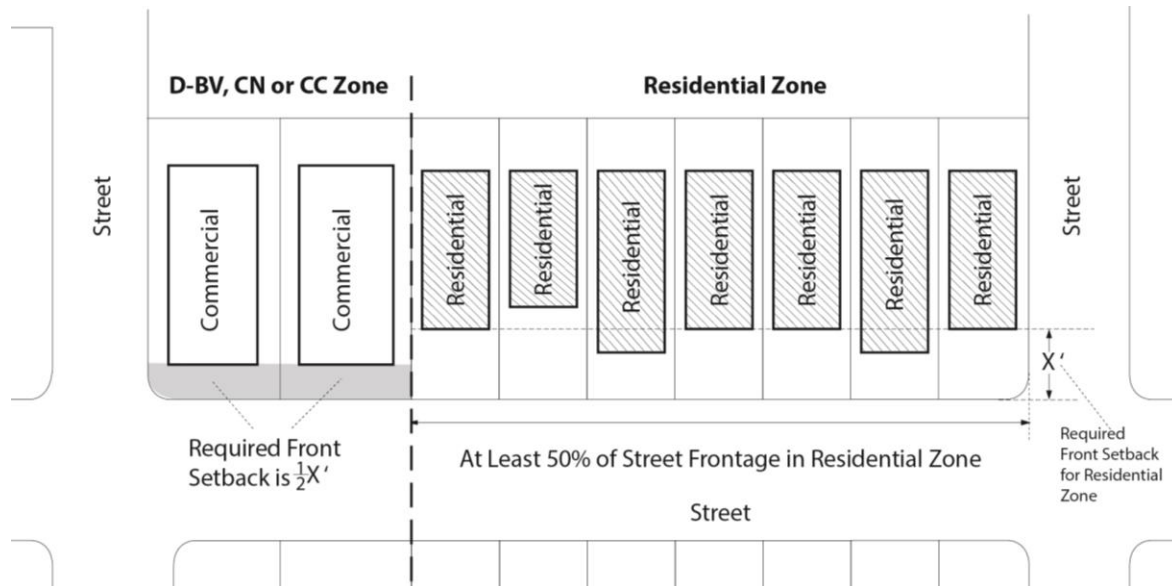
Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Facilities						
Parking and driveway location requirements	Yes	Yes	Yes	No	Yes	12
Ground floor active space requirement	Yes	Yes	Yes	No	Yes	13
<b>Height, Floor Area Ratio, Density, and Open Space Regulations</b>	See Tables 17.101C.05 and 17.101C.06	See Table 17.101C.04				
<b>Minimum Required Parking</b>	See Chapter 17.116 for automobile parking regulations; and See Sections 17.116.080, 17.116.082, and 17.116.110 for additional parking regulations for the D-BV Zones. See and Chapter 17.117 for bicycle parking regulations.					
<b>Courtyard Regulations</b>	See Section 17.108.120					

\*In the N Combining Zone, the N regulations supersede the primary zone.

**Additional Regulations for Table 17.101C.03:**

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half (1/2) of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.101C.03 [Additional Regulation 2], below).

Illustration for Table 17.101C.03 [Additional Regulation 2]  
 \*for illustration purposes only

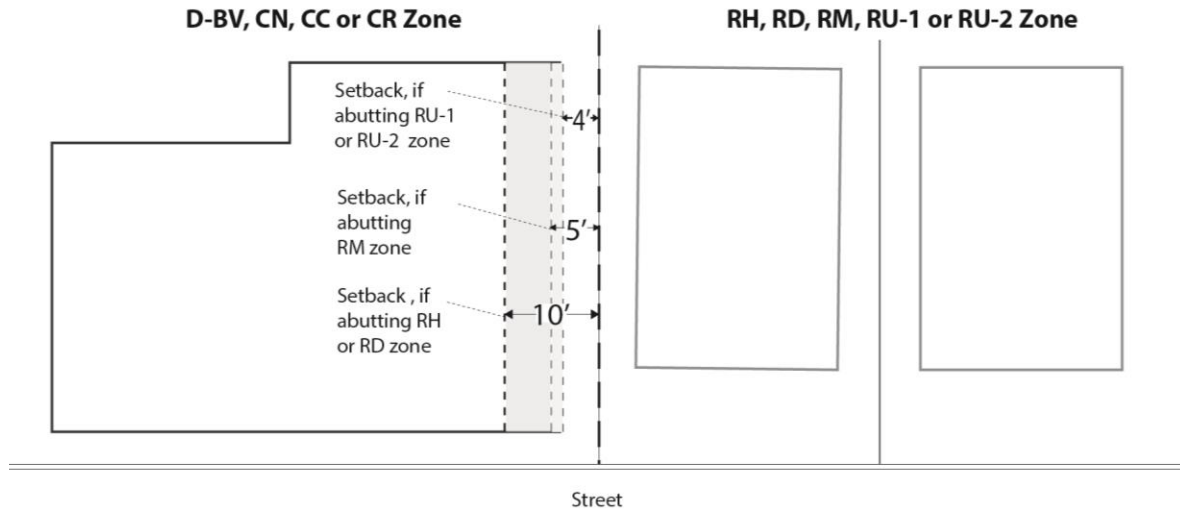


3. The minimum front yard required in the N Combining Zzone is four (4) feet from Broadway if the rest of the block fronting Broadway is either vacant or has at least a four (4) foot front setback. Otherwise the front setback shall equal the setback of the existing building on the adjacent lot.

5. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zzone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM Zzone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.101C.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

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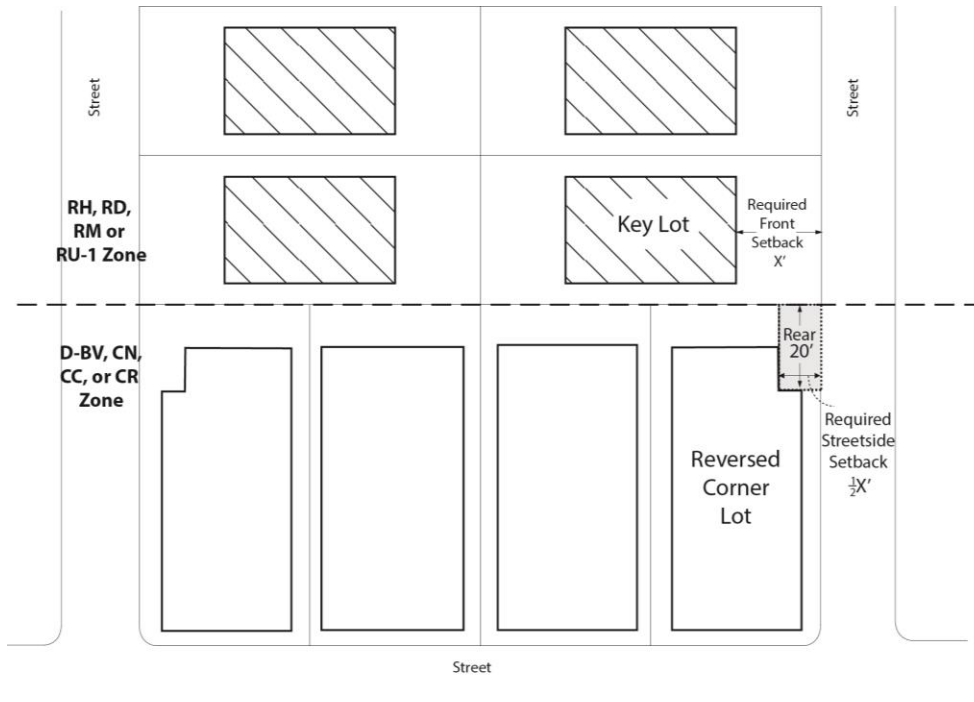
Illustration for Table 17.101C.03 [Additional Regulation 5]  
\*for illustration purposes only



7. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zzone, or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ( $\frac{1}{2}$ ) of the minimum front yard required on the key lot (see Illustration for Table 17.101C.03 [Additional Regulation 7], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

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Illustration for Table 17.101C.03 [Additional Regulation 7]  
 \*for illustration purposes only



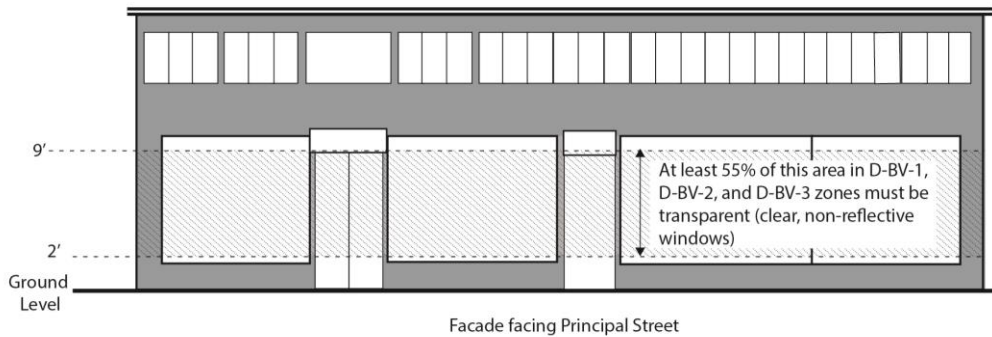
9. When a rear lot line is adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 zone~~, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zzone, ~~or the RU-1 zone~~, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

10. This percentage of transparency is only required for principal buildings that include ground-floor Nonresidential Facilities, and only applies to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor activity space or lobbies (see Illustration for Table 17.101C.03 [Additional Regulation 10], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters, and other similar facilities.



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Illustration for Table 17.101C.03 [Additional Regulation 10]  
\*for illustration purposes only



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

12. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 Zzone, and N Combining Zzone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is available from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

13. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 Zzone, and N Combining Zzone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 12, above.

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**B. Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.101C.04 below prescribes height, Floor Area Ratio (FAR), density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified Height Area.

**Table 17.101C.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
<b>Maximum Height</b>									
Building Base Max. Height	N/A	N/A	N/A	N/A	N/A /65 ft <sub>1</sub>	65 ft <sub>1</sub>	65/85 ft <sub>1</sub>	85 ft <sub>1</sub>	1, 2, 3
Maximum Height Total	45 ft <sub>1</sub>	45 ft <sub>1</sub>	65 ft <sub>1</sub>	85 ft <sub>1</sub>	85/135 ft <sub>1</sub>	135 ft <sub>1</sub>	135/-200 ft <sub>1</sub>	250 ft <sub>1</sub>	1, 2, 3
Maximum number of stories (not including underground construction)	4	4	6	8	8/13	13	13/19	24	3
<b>Minimum Height</b>									
Minimum number of stories (not including underground construction)	2	N/A	2	3	3	3	3	3	2, 4
Conditionally permitted minimum number of stories (not including underground construction)	N/A	N/A	N/A	2	2	2	2	2	2
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b>									
Regular units	450	N/A	375	275	275/200	200	200/150	90	3, 5, 6
Rooming units	225	N/A	185	135	135/100	100	100/75	45	3, 5, 6
<b>Maximum Micro Living Quarters FAR</b>	2.5	N/A	N/A	4.5	N/A	6.0	N/A	8.0	5, 6
<b>Maximum Nonresidential FAR (excluding Micro Living Quarters)</b>	2.5	2.5	3.5	4.5	4.5/6.0	6.0	6.0/8.0	10.0	3, 6
<b>Minimum Usable Open Space</b>									
Area: on each lot containing R <sub>1</sub> residential facilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per dwelling unit	100 sf <sub>1</sub>	N/A	100 sf <sub>1</sub>	75 sf <sub>1</sub>	75 sf <sub>1</sub>	75 sf <sub>1</sub>	75 sf <sub>1</sub>	75 sf <sub>1</sub>	7, 8, 9
Area: on each lot containing R <sub>2</sub> residential facilities of two (2) or more units, usable open space shall be provided for such facilities at a rate stated per rooming unit	50 sf <sub>1</sub>	N/A	50 sf <sub>1</sub>	38 sf <sub>1</sub>	38 sf <sub>1</sub>	38 sf <sub>1</sub>	38 sf <sub>1</sub>	38 sf <sub>1</sub>	7, 8, 9
Area: on each lot containing senior of affordable housing units, usable open space shall be provided for such facilities at a rate stated per dwelling unit or rooming unit	30 sf <sub>1</sub>	N/A	30 sf <sub>1</sub>	30 sf <sub>1</sub>	30 sf <sub>1</sub>	30 sf <sub>1</sub>	30 sf <sub>1</sub>	30 sf <sub>1</sub>	7, 8, 9
Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per dwelling or rooming unit	0 sf <sub>1</sub>	N/A	0 sf <sub>1</sub>	0 sf <sub>1</sub>	0 sf <sub>1</sub>	0 sf <sub>1</sub>	0 sf <sub>1</sub>	0 sf <sub>1</sub>	9, 9
<b>Size and shape of open space:</b> An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown below:									
Private Open Space: is accessible from a single unit	10 ft <sub>1</sub> for space on the ground floor and 4 ft <sub>1</sub> on other floors								7, 8, 9
Rooftop: a type of group open space,	15 ft <sub>1</sub>								7, 8, 9

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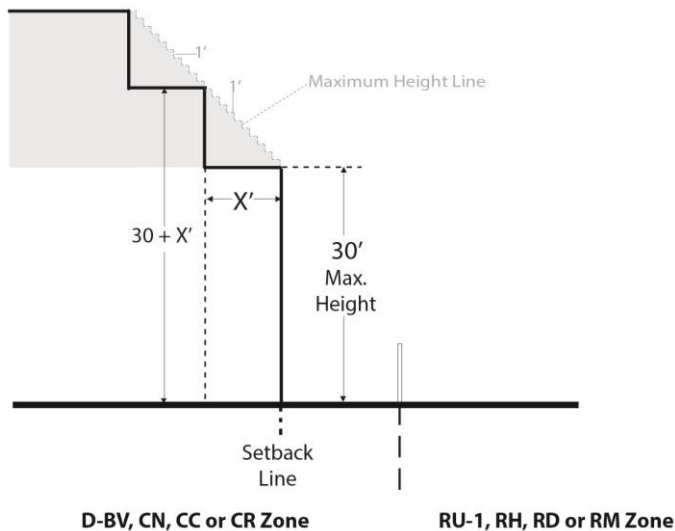
Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
includes decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants									
Courtyard: a type of group open space that can be located anywhere within the subject property	15 ft.								7, 8, 9
Private Group Community Room: a type of interior group space that could include a movie room, kitchen, and/or gym	10 ft. (1/3 of the required usable open space can be used for this type)								7, 8, 9
Public Ground-Floor Plaza: a type of group open space (see Section 17.127.030) located at street level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving	10 ft.								7, 8, 9

\*See Tables 17.101C.05 and 17.101C.06 for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus for mixed use, residential developments, or taller Non-residential Facilities in the Height Area 45\* when part of a large project that involves major retail development.

**Additional Regulations for Table 17.101C.04:**

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM or ~~RU-1~~ Zzone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.101C.04 [Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.101C.04 [Additional Regulation 1]  
\*for illustration purposes only



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2. See Tables 17.101C.05 and 17.101C.06 for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus for mixed use, residential developments, or taller Non-residential Facilities in the Height Area 45\* when part of a large project that involves major retail development. There are five (5) Retail Priority Sites that comprise Height Area 45\*. Priority Sites 3 and 5 are further divided into subareas a, b, and c, and Priority Site 4 is divided into subareas a and b. Each Priority Site and subarea has a specified minimum square footage of retail required prior to Residential Activities and Facilities being permitted, as well as taller Non-residential Facilities.

5. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primarily Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.

**C. Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus.** Table 17.101C.05 below prescribes the minimum square footage of retail area required for each Retail Priority Site before a Residential or Transient Habitation Activity or Facility, or taller Non-residential or Mixed Use Facility is allowed. The number designations in the "Additional Regulations" column refer to regulations below the table.

<b>Table 17.101C.05 Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus</b>					
<b>Regulation</b>	<b>Minimum Retail Area (SF) Required to Develop Residential Facilities Bonus</b>				<b>Additional Regulations</b>
	<b>50% of Retail Priority Site Area</b>	<b>Retail SF/ Residential Unit Bonus</b>	<b>60% of Retail Priority Site Area</b>	<b>Retail SF/ Residential Unit Bonus</b>	
<b>Retail Priority Site 1</b>	38,706 sf	125 Retail SF	46,447 sf	100 Retail SF	1, 2, 3, 4, 5, 6
<b>Retail Priority Site 2</b>	15,572 sf	125 Retail SF	18,686 sf	100 Retail SF	1, 2, 3, 4, 5, 6
<b>Retail Priority Site 3</b>					
3 (a)	22,745 sf	125 Retail SF	27,293 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (b)	22,388sf	125 Retail SF	26,865 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (c)	17,738sf	125 Retail SF	21,285 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (a) and (b)	45,133 sf	125 Retail SF	54,158 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (b) and (c)	40,126 sf	125 Retail SF	48,150 sf	100 Retail SF	1, 2, 3, 4, 5, 6
<b>Retail Priority Site 4</b>					
4 (a)	23,465 sf	125 Retail SF	28,157 sf	100 Retail SF	1, 2, 3, 4, 5, 6
4 (b)	54,567 sf	125 Retail SF	65,480 sf	100 Retail SF	1, 2, 3, 4, 5, 6
4 (a) and (b)	78,032 sf	125 Retail SF	93,637 sf	100 Retail SF	1, 2, 3, 4, 5, 6
<b>Retail Priority Site 5</b>					
5 (a)	45,905 sf	125 Retail SF	55,086 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (b)	26,769 sf	125 Retail SF	32,122 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (c)	21,935 sf	125 Retail SF	26,322 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (a) and (b)	72,674 sf	125 Retail SF	87,208 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (b) and (c)	48,704 sf	125 Retail SF	58,444 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (a), (b), and (c)	94,609 sf	125 Retail SF	113,530 sf	100 Retail SF	1, 2, 3, 4, 5, 6

**Additional Regulations for Table 17.101C.05:**

1. See additional regulations in Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space.

2. The following are regulations for retail square footage minimums:
  - a. The following contribute to the retail square footage minimums:
    - i. Retail floor area (see Limitation L11. in Table 17.101C.01 for all of the complementary activities that count as retail floor area);
    - ii. Internal pedestrian stairs, corridors, and circulation;
    - iii. Ground-floor public plaza/open space located on-site or adjacent off-site.
  - b. Utilization of existing buildings towards new retail floor area can count toward the retail square footage. In the case of a CEQA Historic Resource:
    - i. New retail square footage in a CEQA Historic Resource can count double towards the retail square footage required to obtain a residential bonus; or
    - ii. If a CEQA Historic Resource is maintained and not used for retail, the area of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required.
  - c. Square footage of the following do not count towards the retail square footage minimum:
    - i. Loading dock;
    - ii. Parking;
    - iii. Driveways, ramps, and circulation for cars and trucks.
  
4. An applicant that provides a retail project that equals at least sixty percent (60%) of the square footage of the Retail Priority Site may transfer the development rights of residential bonus units and height from one retail priority site to a different lot within the same retail priority site or to a lot within a different retail priority site upon the granting of a Conditional Use Permit (CUP). A CUP to transfer development rights of residential bonus units may be granted only upon determination that the proposal conforms to the general use permit criteria contained in Section 17.134.050 and to each of the following additional criteria:
  - a. The applicant has acquired development rights from the owner(s) of lots within a Retail Priority Site Zone, restricting the number of residential units which may be developed thereon so long as the facilities proposed by the applicant are in existence;
  - b. The owners of all such lots shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;
  - c. The proposed location and site planning of any transferred residential bonus units will not make infeasible future construction of the minimum retail square footage required at that Retail Priority Site;
  - d. Residential bonus units can only be transferred to a lot that cannot meet the minimum retail square footage required in that Retail Priority Site to build residential;
  - e. The site receiving the transferred residential units must include retail area on the ground floor pursuant to the requirements of the D-BV-1 Broadway Retail Priority Sites Zone; and
  - f. Retail floor area that existed prior to the effective date of this Chapter (July 31, month/day, 2014) cannot count towards the retail square footage needed for transfer of development rights for residential bonus units to other Retail Priority Sites.

OAKLAND

5. For a bonus of residential units, the State Density Bonus can be applied by providing affordable housing units (see California Government Code, Section 65915-65918, as implemented by Chapter 17.101 of the Oakland Planning Code) or an applicant can utilize the following residential bonus within a Retail Priority Zone. However, these bonuses cannot be combined. The affordable units can be built on site or on another site within any D-BV Zzone. The residential bonus shall not be included when determining the number of target units that must be affordable to the relevant income group. If fifteen percent (15%) of the total Dwelling Units of a Residential Housing Development are affordable, an additional residential bonus of thirty-five percent (35%) will be granted when an applicant for a Residential Housing Development seeks, and agrees to construct, at least any one of the following categories (which are defined in Section 17.107.020 (K), the following definitions in Section 17.107.020 (A)(B)(J)(M) also apply, and all of the provisions of Sections 17.107.110 – 17.107.114 must be met):

- a. Lower Income Households; or
- b. Very Low Income Households; or
- c. A common interest development as defined in Section 1351 of the California Civil Code, for persons and families of Moderate Income, provided that all units in the development are offered to the public for purchase.

6. In the Retail Priority Areas, an exception to the minimum retail square footage required to receive the bonus right to residential units may be granted only upon determination that the proposal conforms to the general use permit criteria contained in Section 17.134.050, to any applicable use permit criteria set forth in Table 17.101C.01, Note L2, and to each of the following additional criteria:

- a. The applicant submits an architectural study, prepared by a qualified architectural firm, that demonstrates at least one or more alternatives would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified;
- b. Strict compliance with the minimum retail square footage would preclude an effective design solution improving livability, operational efficiency, or appearance; and
- c. The project will remain consistent with the Broadway Valdez District Specific Plan goals and policies related to retail development as well as its Design Guidelines.

**D. Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space.** Table 17.101C.06 below prescribes height, FAR, residential bonus, and open space, standards associated with the minimum retail area required in the Retail Priority Sites described in Table 17.101C.05 above. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified retail percentage category.

<b>Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space</b>			
<b>Regulation</b>	<b>Percentage (%) of Retail Area Equals the Square Footage of Retail Required from Table 17.101C.05 to Develop Residential Facilities or Taller Non-Residential Facilities</b>		
	<b>50% of Retail Priority Site</b>	<b>60% of Retail Priority Site</b>	<b>Additional Regulations</b>
<b>Maximum Height</b>			
Building Base Max. Height	85 ft.	85 ft.	
Maximum Height Total	200 ft.	200/250 ft.	1, 2
Maximum number of stories (not including underground construction)	19	19/24	1, 2
<b>Height Minimum</b>	N/A	N/A	
<b>Maximum Residential Bonus (retail square feet required per dwelling unit)</b>			
Regular Units	125	100	2, 3, 4
Rooming Units	100	75	2, 3
<b>Maximum Nonresidential FAR</b>	8.0	8.0/10.0	1, 2
<b>Minimum Usable Open Space</b>			
Area: on each lot containing Residential Facilities of two or more units, usable open space shall be provided for such facilities at a rate stated per dwelling unit	75 sf.	75 sf.	5, 6, 7
Area: on each lot containing Residential Facilities of two or more units, usable open space shall be provided for such facilities at a rate stated per rooming unit	38 sf.	38 sf.	5, 6, 7
Area: on each lot containing senior or affordable housing units, usable open space shall be provided for such facilities at a rate stated per dwelling unit or rooming unit	30 sf.	30 sf.	5, 6, 7
Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per dwelling or rooming unit	0 sf.	0 sf.	7
<b>Size and shape of open space:</b> An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown below:			
Private Open Space: is accessible from a single unit	10 ft. for space on the ground floor and 4 ft. on other floors		5, 6, 7
Rooftop: a type of group open space, includes decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants	15 ft.		5, 6, 7
Courtyard: a type of group open space that can be located anywhere within the subject property	15 ft.		5, 6, 7
Private Group Community Room: a type of interior group space that could include a movie room, kitchen, and/or gym	10 ft. (1/3 of the required usable open space can be used for this type)		5, 6, 7
Public Ground-Floor Plaza: a type of group open space (see Section 17.127.030) located at street level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving	10 ft.		5, 6, 7

**Additional Regulations for Table 17.101C.06:**

1. An applicant that provides a retail project that equals at least sixty percent (60%) of the square footage of the Retail Priority Site shall also be granted: (a) a maximum height of two hundred (200) feet and an FAR of 8.0; or (b) a maximum height of two hundred fifty (250) feet



~~and a FAR of 10.0 for no more than: (i) one building within 100 feet<sup>2</sup> of 23<sup>rd</sup> Street and/or within the vacant portion of the block bounded by 23<sup>rd</sup> Street, Valdez Street, 24<sup>th</sup> Street, and Waverly Street; and (ii) one building within the block bounded by 23<sup>rd</sup> Street, Waverly Street, 24<sup>th</sup> Street, and Harrison Street. may have a maximum height up to 250 feet and a FAR of 10.0.~~

2. See additional regulations in Table 17.101C.05 numbers 2 – 6.
3. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms.
4. The overall number of residential units cannot exceed the General Plan density allowance of eighty-seven (87) square feet of lot area per principal unit.
5. The following apply to open space standards:
  - d. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five (5) feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

#### 17.101C.055 – Micro Living Quarters.

- A. **Definition.** For the purposes of the D-BV Zzone Chapter only, the following definition is added as a facility type. Definitions for other facility types are contained in the Oakland Planning Code Chapter 17.10.
- B. **Requirements.** The following are requirements for Micro Living Quarters.
  3. Shared recreational area, with seating or other similar amenities, shall be required in the interior of the Micro Living Quarter building equaling a minimum of five (5) square feet per individual Micro Living Quarter or two hundred fifty (250) square feet, whichever is greater. A shared kitchen may be open to a shared recreation area if it is adjacent to and directly accessible from such shared kitchen facilities. Kitchen counters, cabinets, sinks, and appliances, and the floor area that encompasses an assemblage of these items, shall not be included in the calculation of minimum required shared recreational area. Shared laundry facilities or other similar utilitarian spaces shall also not be included in the calculation of minimum required shared recreational area. The minimum width in this shared recreational area shall be twelve (12) feet. The interior shared recreational area shall be accessible to all tenants of the Micro Living Quarter building.

4. All common areas, space—including but not limited to, shared kitchens, interior recreational area, and outdoor open space, shall be maintained by the building management.

**17.101C.060 - Special regulations for Mmini-Llot and Planned Unit Developments.**

- A. Mini-Lot Developments.** In Mmini-Llot Developments, certain regulations that apply to individual lots in the D-BV Zzones may be waived or modified when and as prescribed in Section 17.142.
- B. Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the D-BV Zzones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

**17.101C.070 - Other zoning provisions.**

- A. Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the D-BV Zzones.
- D. Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the D-BV Zzones.
- E. Landscaping and Screening Standards.** The regulations set forth in Chapter 17.124 shall apply in the D-BV Zzones.
- F. Buffering.** All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

## Chapter 17.101D D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONES REGULATIONS

### Sections:

17.101D.010 Title, purpose and applicability.

17.101D.020 Special regulations governing use and development in the D-KP-4 Zzone.

17.101D.030 Permitted and conditionally permitted activities.

17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 Zzones.

17.101D.060 Design review.

17.101D.090 Minimum lot area width and frontage.

17.101D.100 Maximum floor area.

17.101D.110 Maximum height for new construction.

17.101D.120 Parking and loading areas.

17.101D.130 Signs.

17.101D.160 Skybridges.

### 17.101D.010 Title, purpose and applicability.

A. **Title and Purpose.** The provisions of this Cchapter shall be known as the D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations. This Cchapter establishes land use regulations for the D-KP-1, D-KP-2 D-KP-3 and D-KP-4 Zones, which are depicted in Figure OMC 1. The purposes of the Kaiser Permanente Oakland Medical Center Zzones are to:

1. 1. ~~1.~~—Replace the Oakland Medical Center with a new, state of the art facility to serve Kaiser Permanente's Oakland and Alameda membership;
2. 2. ~~2.~~—Comply with state requirements under SB 1953 mandating the seismic upgrade or replacement of the Oakland Medical Center hospital; ~~by January 1, 2013;~~
3. 3. ~~3.~~—Update and modernize the Oakland Medical Center's patient care and administrative service space to meet Kaiser Permanente's current standards;
4. 4. ~~4.~~—Ensure that the Oakland Medical Center will be architecturally and functionally integrated, and that the Oakland Medical Center will be compatible with the existing neighborhood;
5. 5. ~~5.~~—Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community;
6. 6. ~~6.~~—Provide a set of procedures and practices to review and consider future design of new building construction.

B. **Description of Zones.** This Chapter establishes land use regulations for the following four (4) zones:

**1. D-KP-1 Kaiser Permanente Oakland Medical Center Commercial District – 1 Commercial – 1 Zone:** The D-KP-1 Zone is intended for those properties north of MacArthur Boulevard and west of Broadway.

**2. D-KP-2 Kaiser Permanente Oakland Medical Center Commercial District – 2 Zone:** The D-KP-2 Zone is intended for those properties south of MacArthur Boulevard.

**3. D-KP-3 Kaiser Permanente Oakland Medical Center Commercial District – 3 Zone:** The D-KP-3 Zone is intended for those properties north of MacArthur Boulevard and east of Broadway.

**4. D-KP-4 Kaiser Permanente Oakland Medical Center 4-Residential District – 4 Zone:** The D-KP-4 Zone is intended for those single family residential properties on the east side of Manila Avenue and will have the permitted uses further restricted during time the properties remain a part of the Kaiser Permanente Oakland Medical Center.

**CB.** The Kaiser Permanente Oakland Medical Center Zoning District is applied as an overlay district for those properties which are not owned by Kaiser Permanente. The existing zoning designation shall remain as the applicable zoning district, and the zoning regulations associated with that zoning district shall govern all development and use of the property until Design Review for the parcel/lot is approved by the City in accordance with the provisions of the D-KP District, with the consent of the property owner. Upon approval of Design Review, the zoning standards, guidelines, regulations and other requirements for the development and use of property within the applicable D-KP District and the adopted conditions of approval or mitigation monitoring program shall govern the use and development of that property.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.020 Special regulations governing use and development in the D-KP-4 Zzone.**

A. The properties in the D-KP-4 Zone that are zoned RU-3 shall be subject to the regulations of the RU-3 Rresidential Zzone, except that while the properties are included as a part of the Kaiser Permanente Oakland Medical Center, the properties may only be used for the following activities: (i) single family residential uses; (ii) sleeping rooms for medical center staff; or (iii) temporary housing for families of members receiving long-term care at the Kaiser Permanente Oakland Medical Center.

B. The existing single family residential buildings on the east side of Manila within the D-KP-4 Zone shall remain.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.030 Permitted and conditionally permitted activities.**

Table 17.101D.01 lists the permitted, conditionally permitted, and prohibited activities in the D-KP-1, D-KP-2, and D-KP-3 Zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

"—" designates uses that are prohibited in the corresponding zone.

OAKLAND

**Table 17.101D.01 Permitted and Conditionally Permitted Activities**

Activity Types Activities	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Activities</b>				
Permanent	P	P	P	
Residential Care	<u>P(L6)€</u>	<u>P(L6)€</u>	<u>P(L6)€</u>	17.103.010
<del>Service-Enriched Permanent</del> <u>Supportive Housing</u>	<u>P_€</u>	<u>P_€</u>	<u>P_€</u>	<del>17.103.010</del>
Transitional Housing	<u>P_€</u>	<u>P_€</u>	<u>P_€</u>	<del>17.103.010</del>
Emergency Shelter	C	C	C	17.103.010
Semi-Transient	C	C	C	17.103.010
Bed and Breakfast	C	C	C	17.10.125
<b>Civic Activities</b>				
Essential Service	P(L5)	PL5)	P(L5)	
Limited Child-Care	P	P	P	
Community Assembly	P	P	P	
Recreational Assembly	P	P	P	
Community Education	P	P	P	
Nonassembly Cultural	P	P	P	
Administrative	C	C	C	
Health Care	P	P	P	
Special Health Care	C(L1)	C(L1)	C(L1)	17.103.020
Utility and Vehicular	C	C	C	
Extensive Impact	C	C	C	
<b>Commercial Activities</b>				
General Food Sales	P	P	P	
Full Service Restaurants	P	P	P	
Limited Service Restaurants and Cafe	P	P	P	
Fast-Food Restaurant	C	C	C	17.103.030 and 8.09
Convenience Market	P	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	

OAKLAND

Activity Types <u>Activities</u>	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
Medical Service	P	P	P	
General Retail Sales	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	P(L2)	P(L2)	P(L2)	
Consultative and Financial Service	C	C	C	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair	P	P	P	
Consumer Dry Cleaning Plant	C	C	C	
Group Assembly	C(L3)	C(L3)	C(L3)	
Personal Instruction and Improvement <u>Services</u>	P	P	P	
Administrative	C	C	C	
Business, Communication, and Media Service	C	C	C	
Broadcasting and Recording Services	C	C	C	
Research Service	C	C	C	
General Wholesale Sales	—	—	—	
Transient Habitation	—	—	—	
Building Material Sales	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	
Automotive Fee Parking	C	C	C	
Animal Boarding	C	C	C	
Animal Care	C	C	C	
<b>Industrial Activities</b>	All Industrial Activities prohibited in these zones			
<b>Agricultural and Extractive Activities</b>				
Limited Agriculture	C(L4)	C(L4)	C(L4)	
Extensive Agriculture	—	—	—	
<b>Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the</b>	C	C	C	17.74.030 17.116.075

OAKLAND

Activity Types Activities	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
conditions set forth in Section 17.116.075				
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	17.102.110

**Limitations:**

**L1.** No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or ~~Transitional Housing, Enriched Housing, or Licensed Emergency Shelters, Civic Activity.~~ See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L3.** No new or expanded ~~A~~adult ~~E~~entertainment ~~A~~activity shall be located closer than one thousand (1,000) feet to the boundary of any ~~R~~residential ~~Z~~zone or three hundred (300) feet from any other ~~A~~adult ~~E~~entertainment ~~A~~activity. See Section 17,102.160 for further regulations regarding ~~A~~adult ~~E~~entertainment ~~A~~activities.

**L5.** Community Gardens are permitted ~~by~~ outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L6.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.040 Permitted and conditionally permitted facilities in the D-KP-1, D-KP-2, and D-KP-3 Zones.**

Table 17.101D.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-KP-1, D-KP-2, and D-KP-3 Zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

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

"—" designates uses that are prohibited in the corresponding zone

**Table 17.101D.02 Permitted and Conditionally Permitted Facilities**

OAKLAND

Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Facilities</b>				
One-Family Dwelling	P	P	P	
One-Family Dwelling with Secondary Unit	P	P	P	17.103.080
Two-Family Dwelling	P	P	P	
Multifamily Dwelling	P	P	P	
Rooming House	P	P	P	
Mobile Home	—	—	—	
<b>Nonresidential Facilities</b>				
Enclosed nonresidential facilities	P	P	P	
Open nonresidential facilities	C(L2)	C(L2)	C(L2)	
Sidewalk Cafe	P	P	P	17.103.090
Drive-In	C	C	C	
Drive-Through	C(L1)	(L1)	C(L1)	17.103.100
<b>Telecommunications Facilities</b>				
Micro Telecommunications	P	P	P	
Mini Telecommunications	C	C	C	
Macro Telecommunications	C	C	C	
Monopole Telecommunications	C	C	C	
Tower Telecommunications	—	—	—	
<b>Sign Facilities</b>				
Residential Signs	P	P	P	17.104
Special Signs	P	P	P	17.104
Development Signs	P	P	P	17.104
Realty Signs	P	P	P	17.104
Civic Signs	P	P	P	17.104
Business Signs	P	P	P	17.104
Advertising Signs	—	—	—	17.104

**Limitation:**

**L2.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic



Activities, seasonal sales, or special events, ~~are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)~~

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.060 Design review.**

A. Design Review Application.

1. Pre-Application Conference: Prior to application for design review, the applicant or his or her representative shall have a conference with a representative of the City Planning Department before or at an early stage in the design process to review the proposed project for consistency with the adopted Kaiser Permanente Oakland Medical Center Master Plan. At the conference, the City representative shall provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the City representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.

B. Exemptions from Design Review. The following changes to existing nonresidential buildings are exempt from design review:

2. Alterations or additions of floor area or footprint that are determined by the Director of City Planning to be visible from the street or from other public areas, but which comprises less than twenty-five thousand (25,000) square feet or ten percent (10%) of the total floor area, ~~or anything under twenty-five thousand (25,000) square feet, whichever is smaller;~~
4. Any alteration or addition not normally exempt which is used as a loading dock, recycling area, utility area, porch, deck or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor or footprint area, and has no significant visual or noise impact to neighboring properties or from a public street. Exemptions only permitted where the proposal conforms with all buffering requirements in Chapter 17.110 and all performance standards in Chapter 17.120;

C. Small Project Design Review. "Small project design review" means design review for minor alterations or additions to existing facilities that do not require a Subsequent or Supplemental EIR nor any other permit, variance or other approval pursuant to the zoning regulations of Title 17 of the Oakland Planning Code.

2. Procedure for Consideration of Small Project Design Review: An application for Ssmall project design review shall be considered by the Director of City Planning.
  - d. Whenever an application for Ssmall project design review has been denied by the Director of City Planning, no Ssmall project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial; provided, however, that such proposal may be resubmitted as an application for Rregular design review within one year of denial in accordance with Section 17.136.120.

D. Regular Project Design Review. Unless determined exempt or subject to Ssmall project design review pursuant to Section 17.101D.040 B or C above, no building, sign or other facility shall be constructed or established or altered in such a manner as to substantially

affect its exterior appearance unless plans for such proposal have been approved pursuant to the following Regular Design Review procedures:

1. Reviewing Body:

- a. If the project requires preparation of a Subsequent or Supplemental Environmental Impact Report, or involves more than twenty-five thousand (25,000) square feet ~~or more~~ of floor area, or includes a proposed skybridge, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision.
- b. All other applications for Rregular design review shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

2. Procedure for Consideration of Design Review: Applications for design review shall be considered by the Director of City Planning or the Planning Commission according to the following procedures:

- f. An initial decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

E. Design Review Criteria. Design review approval may be granted only if the proposal is in substantial conformance to the Kaiser Permanente Oakland Medical Center Master Plan including without limitation its goals, objectives, principles and guidelines, and also conforms to all of the following criteria:

F. Adherence to Approved Plans. A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted and shall terminate in accordance with Section 17.136.100.

G. Revocation/Enforcement. In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval or take other enforcement actions in accordance with the procedures in Chapter 17.152.

H. Review by Landmarks Board. A design review application may be subject to review by the Landmarks Preservation Advisory Board in accordance with Section 17.136.040.

I. Design Review and Other Approvals. Whenever design review approval is required for a proposal also requiring a conditional use permit, or Planned Unit Development (PUD) permit or variance, the application for design review shall be included in the application to said permit and shall be processed and considered as part of same, in accordance with Section 17.136.120.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.090 Minimum lot area width and frontage.**

The following table contains the minimum lot area, width and frontage requirements for the zones in this Chapter.

Standard	Zone
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OAKLAND

	D-KP-1	D-KP-2	D-KP-3
Minimum lot area	4,000	4,000	4,000
Minimum lot width <u>mean</u>	25 ft.	25 ft.	25 ft.
Minimum lot frontage	25 ft.	25 ft.	25 ft.

Lot width and frontage for D-KP-4 based on the RU-3 Zone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.100 Maximum floor area.**

The maximum floor area for the aggregate of all the D-KP zoned properties shall not exceed 1.76 million square feet excluding parking structures. This includes approximately four hundred thirty-two thousand three hundred (432,300) square feet of existing buildings not to be redeveloped (the Piedmont, Howe, Fabiola, Mosswood and Kings Daughter Mental Health buildings) and a maximum of one million three hundred fifty-three thousand (1,353,000) square feet of new construction. The following floor area requirements will ensure that density of new construction is appropriately distributed throughout the D-KP Zones.

- A. The maximum floor area of new construction in the D-KP-1 Zone shall be one hundred seventy-two thousand seven hundred (172,700) square feet (one hundred sixty-five thousand (165,000) square feet of medical office space and a maximum of seven thousand seven hundred (7,700) square feet retail.)
- B. The maximum floor area of new construction in the D-KP-2 Zone shall be nine hundred fifty-seven thousand (957,000) square feet. An additional sixty thousand (60,000) square feet of space may be added to this building (to a maximum of one million one hundred seven thousand (1,107,000) square feet) provided that Kaiser submit a schematic development plan that delineates the development program for Phase 3. In order to qualify for this option, the schematic development plan for Phase 3 must be submitted for review by the City Planning Commission prior to occupancy of the Phase 2 parking garage.
- C. The maximum floor area of new construction in the D-KP-3 Zone shall be two hundred twenty-three thousand (223,000) square feet. However, should Kaiser select to add the additional sixty thousand (60,000) square feet of space to Phase 2 as described in Subsection B. above, then the maximum floor area of Phase 3 would be correspondingly reduced by as much as sixty thousand (60,000), to a maximum of one hundred sixty-three thousand (163,000) square feet.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.110 Maximum height for new construction.**

The maximum heights for new construction in the D-KP Zones shall be as follows:

- C. In the D-KP-3 Zone, the maximum height of new buildings (not including parking structures) shall be seventy (70) feet (five (5) stories at fourteen (14) feet per story). Parking structures shall be limited to a maximum of fifty-three (53) feet. In the D-KP-3 Zone, all structures shall be set back from the adjacent RM-3 Zone on Cerrito Avenue, Howe Street, and 38th Street by a minimum of twelve (12) feet. No structure may

exceed thirty (30) feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above thirty (30) feet, up to the maximum allowable height.

D. Maximum height for D-KP-4 is equivalent to RU-3 requirements.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.120 Parking and loading areas.**

A. Parking shall be determined on a D-KP District-wide basis and the amount, location and distribution of parking shall be determined as part of the Design Review Process. The parking demand study prepared for adoption of the D-KP district determined that upon completion of new construction to the full 1.78 million (1,780,000) square foot total, approximately three thousand five hundred eighty-four (3,584) parking spaces will be required. The actual amount of required parking shall be imposed as a condition of approval based on the current or updated parking study and the adopted Transportation Demand Management program, as approved by the City. The requirements set forth herein may be modified during the design review process, upon a finding that the modification is supported by an updated parking analysis prepared by a professional traffic engineer, as approved by the City.

B. Unless otherwise permitted pursuant to a conditional use permit, deliveries that rely on the use of loading areas or driveways within two hundred (200) feet of a residentially zoned property shall be limited to the hours of 5:00 a.m. to 7:00 p.m.

(Ord. No. 12999, § 4(Exh. A), 3-16-2010)

**17.101D.130 Signs.**

A. If a comprehensive Ssign program is adopted as part of the Kaiser Permanente Oakland Medical Center Master Plan, the provisions of the comprehensive Ssign program shall govern and shall supersede the provisions of Chapter 17.104.

**17.101D.160 Skybridges.**

D. The Director of City Planning shall refer all Design Review processes regarding skybridges to the City Planning Commission for initial decision. An initial decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

**Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS**

**Sections:**

- 17.101E.010 Title, intent, and description.
- 17.101E.020 Required design review.
- 17.101E.030 Permitted and conditionally permitted activities.
- 17.101E.040 Permitted and conditionally permitted facilities.
- 17.101E.050 Property development standards.
- 17.101E.060 Permitted frontage types.
- 17.101E.070 Special regulations for Work/Live units.
- 17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.
- 17.101E.090 Special Regulations for Mini-lot and Planned Unit Developments.
- 17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone.
- 17.101E.110 Special Parking Regulations for the D-CE Zones.
- 17.101E.112 Other zoning provisions.

**17.101E.010 Title, intent, and description.**

- A. Title and Intent. The provisions of this Chapter shall be known as the D-CE Central Estuary District Zones Regulations. The intent of the Central Estuary District (D-CE) Zones is to:
  1. Implement the Central Estuary Area Plan (CEAP) in the Central Estuary District;
  2. Preserve and enhance opportunities for business and employment development in uses that can benefit from proximity to existing commercial, industrial and mixed use facilities in the area;
  3. Encourage the creation of mixed-use districts that integrate various combinations of residential, industrial, commercial, public open space and civic uses;
  4. Establish development standards that allow Residential, Industrial, Commercial, public Open Space and Civic Activities to compatibly co-exist;
  5. Provide convenient access to public open space and the waterfront;
  6. Improve access to the waterfront and recreational opportunities along the waterfront, including boat launches and marinas;
  7. Encourage quality and variety in building and landscape design, as well as compatibility in use and form;
  8. Encourage development that is respectful of the environmental qualities that the area has to offer;
  9. Provide a framework of development standards that takes into account the scale, massing and context of the surrounding community;

10. Provide a set of procedures and practices to review and consider future design of new building construction; and
  11. Preserve and enhance distinct neighborhoods in the Central Estuary District.
- B. Description of Zones. This Chapter establishes land use regulations for the following six (6) zones:
1. **D-CE-1 Central Estuary District Commercial - 1 Zone -- ~~4~~ (Embarcadero Cove).** The D-CE-1 Zone is intended to create, maintain, and enhance areas of the Central Estuary that have a mix of marine, office and other commercial uses.
  2. **D-CE-2 Central Estuary District Commercial - 2 Zone -- ~~2~~ (High Street Retail).** The D-CE-2 Zone is intended to create, maintain, and enhance areas of the Central Estuary with a wide range of commercial uses with direct street frontage and access to the freeway.
  3. **D-CE-3 Central Estuary District Mix - 3 Zone -- ~~3~~ (Jingletown/Elmwood).** The D-CE-3 Zone is intended to create, preserve, and enhance areas of the Central Estuary that have a mix of industrial, heavy commercial and residential development. This zone is intended to promote housing with a strong presence of Commercial and Industrial Activities.
  4. **D-CE-4 Central Estuary District Mix - 4 Zone -- ~~4~~ (Mixed Use Triangle).** The D-CE-4 Zone is intended to create, maintain, and enhance areas of the Central Estuary that have a mix of Industrial and Hheavy Commercial Activities. Higher density residential development is also appropriate in this zone.
  5. **D-CE-5 Central Estuary District Industrial - 5 Zone -- ~~5~~ (Food Industry Cluster/High St. Warehouse Wedge/Tidewater South).** The D-CE-5 Zone is intended to create, preserve, and enhance areas of the Central Estuary that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards.
  6. **D-CE-6 Central Estuary District Industrial - 6 Zone -- ~~6~~ (Con Agra/Owens Brockway/Tidewater North).** The D-CE-6 Zone is intended to create, preserve, and enhance areas of the Central Estuary that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts, such as noise, light/glare, odor, and traffic. This zone allows industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

#### 17.101E.020 Required design review.

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

- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the "Design Guidelines for the Central Estuary" is required for any proposal in the D-CE Zzones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the "Design Guideline for the Central Estuary", the design objectives in the "Design Guidelines for the Central Estuary" shall prevail.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

**17.101E.030 Permitted and conditionally permitted activities.**

For the purposes of this Cchapter only, the following definition is added as an Activity. Definitions for the other Activities listed in Table 17.101E.01 are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

- 1. **Boat and Marine-Related Sales, Rental, Repair and Servicing Activities** include the sale, rental, leasing and incidental cleaning, servicing, and repair of boats and other vehicles and facilities associated with water- and marine-based travel and movement. This classification also includes activities associated with docks and marinas where boats and ships are anchored, moored, rented, sold or serviced.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.101E.01: Permitted and Conditionally Permitted Activities**

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
<b>Residential Activities</b>							
Permanent	—	—	P_(L1)	P_(L1)	—	—	
Residential Care	—	—	P(L1)	P(L1)	—	—	17.103.010
<del>Service-Enriched</del> PermanentSupportive Housing	—	—	<u>P_C(L1)</u>	<u>P_C(L1)</u>	—	—	<del>17.103.010</del>
Transitional Housing	—	—	<u>P_C(L1)</u>	<u>P_C(L1)</u>	—	—	<del>17.103.010</del>

OAKLAND

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Emergency Shelter	—	—	C(L1)	C(L1)	—	—	17.103.010
Semi-Transient	—	—	C	C	—	—	17.103.010
Bed and Breakfast	—	—	P	—	—	—	17.10.125
<b>Civic Activities</b>							
Essential Service	P(L18)	P(L18)	P(L22)	P(L22)	P(L18)	P(L18)	
Limited Child-Care Activities	—	—	P	—	—	—	
Community Assembly	—	—	P(L2)	—	C	—	
Recreational Assembly	P	C	P(L2)	C	C	—	
Community Education	P	P	C	C	C	—	
Nonassembly Cultural	P	P	P(L3)	P(L3)	C	—	
Administrative	P	P	P(L3)	P(L3)	C	—	
Health Care	—	—	C	C	—	—	
Special Health Care	—	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	C	
<b>Commercial Activities</b>							
General Food Sales	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Full Service Restaurants	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Limited Service Restaurant and Cafe	P	P	P(L4)	P(L4)	P(L5)	P(L5)	
Fast-Food Restaurant	—	C	—	—	C	—	17.103.030 and 8.09
Convenience Market	C	C	C	C	—	—	17.103.030
Alcoholic Beverage Sales	C	C	C	C	C	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	C	—	—	



OAKLAND

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Medical Service	—	—	—	—	—	—	
General Retail Sales	P	P	P(L5)	P(L5)	P(L5)	—(L6)	
Large-Scale Combined Retail and Grocery Sales	—	C	—	—	—	—	
Consumer Service	P	P	P	P	P	—	
Consultative and Financial Service	P	P	P(L3)	P	C	—	
Check Cashier and Check Cashing	—	C	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	—	P	C	C	C	—	
Consumer Dry Cleaning Plant	—	C	—	—	C	C	
Group Assembly	C	C	C	C	C	C(L8)	
Personal Instruction and Improvement Services	P	P	C	C	C	C(L8)	
Administrative	P	P	P(L3)	P(L3)	P	—(L9)	
Business, Communication, and Media Services	P	P	P	P	P	P	
Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P(L3)(L10)	P(L3)(L10)	P	P	
General Wholesale Sales	—	P(L7)	P(L2)	P(L3)	P(L3)(L11)	P	
Transient Habitation	C	C	C	C	—	—	17.103.050
Building Material Sales	—	P	P(L2)	P(L12)	P	—	
Boat and Marine-Related Sales, Rental, Repair and Servicing	P	—	—	—	—	C	
Automobile and Other Light Vehicle Sales and Rental	—	C	—	—	—	C	

OAKLAND

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Automobile and Other Light Vehicle Gas Station and Servicing	—	C	—	—	C	P(L14)	
Automobile and Other Light Vehicle Repair and Cleaning	—	C(L13)	—	—	C	P(L14)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	C	
Automotive Fee Parking	—	—	—	C	C	C	
Animal Boarding	—	C	C	C	—	—	
Animal Care	—	P	C	C	—	—	
Undertaking Service	—	—	—	—	C	C	
<b>Industrial Activities</b>							
Custom Manufacturing	C	P	P(L3)	P(L3)	P	P	17.120
Light Manufacturing	C	P	P(L2)(L10)	P(L3)(L10)	P	P	17.120
General Manufacturing	—	—	—	—	P	P	
Heavy/High Impact	—	—	—	—	—	C	
Research and Development	P-(L2)	P(L3)(L10)	P(L3)(L10)	P(L3)(L10)	P	P	
Construction Operations	—	—	—	C	P (L14)	P (L14)	
Warehousing, Storage, and Distribution-Related:							
A. General Warehousing, Storage and Distribution	C	—	P(L2)	P(L3)	P	P	
B. General Outdoor Storage	—	—	—	—	P(L14)	P(L14)	
C. Self- or Mini-Storage	—	—	—	C	C	—	
D. Container Storage	—	—	—	—	P(L14)	P(L14)	
E. Salvage/Junk Yards	—	—	—	—	—	C	

OAKLAND

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Regional Freight Transportation-Related:							
A. Seaport	—	—	—	—	—	C	
B. Rail Yard	—	—	—	—	C	C	
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	P(L14)	P(L14)	
B. Truck Yard	—	—	—	—	C	P(L14)	
C. Truck Weigh Stations	—	—	—	—	P	P(L14)	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	P(L14)	P(L14)	
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	P(L14)	P(L14)	
Recycling and Waste-Related:							
A. Satellite Recycling Collection Centers	—	P(L15)	P(L15)	P(L15)	P(L15)	P(L15)	17.10.040
B. Primary Recycling Collection Centers	—	—	—	—	—	C(L16)	17.73.035
Hazardous Materials Production, Storage, and Waste Management-Related:							
A. Small Scale Transfer and Storage	—	—	—	—	C	C(L14)(L17)	
B. Industrial Transfer/Storage	—	—	—	—	—	C(L14)(L17)	
C. Residuals Repositories	—	—	—	—	—	C(L14)(L17)	
D. Oil and Gas Storage	—	—	—	—	—	C(L14)(L17)	
<b>Agriculture and Extractive Activities</b>							
Limited Agriculture	C(L19)	C(L19)	P(L20)	P(L20)	C(L19)	C(L19)	
Extensive Agriculture	C(L21)	C(L21)	C(L21)	C(L21)	C(L21)	C(L21)	
Plant Nursery	—	C	C	C	P	P	

OAKLAND

Activities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Mining and Quarrying	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	17.116.175
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

**Limitations on Table 17.101E.01:**

**L1.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

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

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

**L9.** Administrative activities accessory to an existing ~~Industrial~~ A activity are limited to twenty percent (20%) of floor area in D-CE-6.

**L12.** This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134) if it is the principal activity on a lot that is more than twenty-five thousand (25,000) square feet, ~~or larger or covers~~ more than twenty-five thousand (25,000) square feet ~~or more of~~ floor area.

**L13.** This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.

**L14.** A Conditional Use Permit is required if located within three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-3 Zone; or c) any Open Space Zzone (see Chapter 17.134 for the CUP procedure). This activity is permitted if beyond three hundred (300) feet.

**L16.** A Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required for this activity, but is not permitted within three hundred (300) feet of: a) the estuary shoreline; b) the D-CE-1, D-CE-2, D-CE-3, or D-CE-4 Zone; or c) any Open Space Zone. All special regulations for primary collection centers in the industrial zones must be met as listed in Section 17.73.035.

**L22.** Community Gardens are permitted by outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

**17.101E.040 Permitted and conditionally permitted facilities.**

For the purposes of this Chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in Table 17.101E.02 are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions.

1. **"Live/Work"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Live/Work unit is intended to accommodate both Residential and Nonresidential Activities.
2. **"Work/Live"** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit is intended to accommodate a primary Nonresidential Activity with an accessory residential component.

Table 17.101E.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-CE Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.101E.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
<b>Residential Facilities</b>							
One-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	

OAKLAND

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	
Multifamily Dwelling	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Rooming House	—(L1)	—(L1)	P	P	—(L1)	—(L1)	
Mobile Home	—	—	—	—	—	—	
Live/Work	—	—	P	P	—	—	
<b>Nonresidential Facilities</b>							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	P	P	C(L4)	C(L4)	P	P	
Work/Live	—	—	P	P	C	—	
Sidewalk Cafe	P	P	P	P	C	—	17.103.090
Drive-In	C	C	—	C	—	—	
Drive-Through	C	C	—	C(L2)	C	C	17.103.100
<b>Telecommunications Facilities</b>							
Micro Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Mini Telecommunications	C	P(L3)	C	C	P(L3)	P(L3)	17.128
Macro Telecommunications	C	C	C	C	C	P(L3)	17.128
Monopole Telecommunications	C	C	C	C	C	P(L3)	17.128
Tower Telecommunications	—	—	—	—	—	P(L3)	17.128
<b>Sign Facilities</b>							
Residential Signs	—	—	P	P	—	—	17.104
Special Signs	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	—	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	—	17.104

**Limitations on Table 17.101E.02:**

**L1.** See Chapter 17.114 - Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. A Secondary Unit may be permitted when there is no more than one (1) existing Primary Unit on a lot, subject to the provisions of Section 17.103.080.

**L4.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

**17.101E.050 Property development standards.**

**A. Zone Specific Standards.** Table 17.101E.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the standard regulation is not applicable to the specified that zone.

**Table 17.101E.03 Property Development Standards**

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
<b>Minimum Lot Dimensions</b>							
Lot Width mean	25 ft.	25 ft.	35 ft.	35 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	35 ft.	35 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	10,000 sf.	10,000 sf.	1
<b>Minimum/Maximum Setbacks</b>							
See also "Design Guidelines for the Central Estuary" Section 3.3.							
Minimum front	0 ft.	0 ft.	10 ft.	10 ft.	5 ft.	5 ft.	2
Minimum interior side	0 ft.	0 ft.	4 ft.	0 ft.	0 ft.	0 ft.	2
Minimum street side of a corner lot	0 ft.	0 ft.	4 ft.	5 ft.	5 ft.	5 ft.	2
Rear (residential facilities)	N/A	N/A	10 ft.	10 ft.	N/A	N/A	3
Rear (nonresidential facilities)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2
<b>Reduced Side and Rear-Setbacks for Smaller Lots</b>	See <b>Table 17.101E.04</b> for <u>reduced setbacks</u> for smaller lots						

OAKLAND

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
<b>Height Regulations</b> See also "Design Guidelines for the Central Estuary" Section 4.2.							
Maximum height	45 ft.	85 ft.	45/55 ft.	75 ft.	85 ft.	N/A	4, 5, 6, 7
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and Design Guidelines for the Central Estuary Section 3.8.						
Minimum fence height in yards adjacent to open space zones	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and "Design Guidelines for the Central Estuary" Section 3.8.				8 ft.	8 ft.	8
Maximum fence height adjacent to <u>O</u> pen <u>S</u> pace <u>Z</u> ones	8 ft.	N/A	8 ft.	8 ft.	12 ft.	12 ft.	8
<b>Maximum Residential Density (square feet of lot area required per dwelling unit)</b> See also "Design Guidelines for the Central Estuary" Section 4.3.							
Regular Units	N/A	N/A	700	700	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	350	N/A	N/A	9, 10
<b>Maximum Nonresidential FAR</b> - See Design Guidelines Section 4.3.	2.0	3.0	3.0	3.0	3.0	2.0	10
<b>Minimum Usable Open Space</b> See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per regular unit	N/A	N/A	150 sf.	100 sf.	N/A	N/A	11
Group usable open space per regular unit when private open space substituted	N/A	N/A	30 sf.	20 sf.	N/A	N/A	11
Group usable open space per rooming unit	N/A	N/A	75 sf.	50 sf.	N/A	N/A	11



OAKLAND

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Group usable open space per rooming unit when private open space is substituted	N/A	N/A	15 sf.	10 sf.	N/A	N/A	11
<b>Minimum Parking and Loading Requirements</b>	See Chapter 17.116 for loading and automobile parking; Chapter 17.117 for bicycle parking; and "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8. For Boat, and Marine Related Sales, Rental, Repair and Servicing Activities, see Section 17.101E.110						12, 19
<b>Courtyard Regulations</b>	N/A	N/A	See Section 17.108.120	See Section 17.108.120	N/A	N/A	
<b>Landscaping Regulations</b> See also "Design Guidelines for the Central Estuary" Section 3.8 and 5							
Site Landscaping (including parking lot)	See Chapters 17.110, and 17.124 for buffering, landscaping and screening standards.						13, 14, 15
Site landscaping (% of lot area)	See Chapters 17.110, and 17.124				5%	5%	14
Parking lot landscaping (% of lot area)	See Chapters 17.110, and 17.124				10%	10%	14
<b>Driveway and Site Access Regulations</b> See also "Design Guidelines for the Central Estuary" Sections 3.4 and 3.7.							
Minimum Distance of driveway or site access from any Residential or Open Space Zone boundary	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				50 ft.	50 ft.	16
Driveway Width Maximum	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				35 ft.	35 ft.	17
Pedestrian Walkway	N/A	N/A	N/A	N/A	Required	Required	18
<b>Frontage Type Standards</b>	See Table 17.101E.05. See also "Design Guidelines for the Central Estuary" Section 4.1.						

**Additional Regulations for Table 17.101E.03:**

1. See Table 17.101E.04 for reduced setbacks for smaller lots, and See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. See also Section 17.108.130 for allowed projections into setbacks, and see the "Design Guidelines for the Central Estuary", Sections 3.3 and 4.1.
3. In the D-CE-3 and D-CE-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
7. In the D-CE-3 Zone, the outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: (1) the storage is within fifteen (15) feet from any property line of a lot containing Residential Activities and (2) the storage faces any windows of a Residential Facility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Oakland Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the "Design Guidelines for the Central Estuary". In the D-CE-5 and D-CE-6 Zones, the height of outdoor materials stored within the required side or rear setback shall be no higher than eight (8) feet. However, outdoor materials may be stored up to ten (10) feet if they are no higher than a solid masonry wall that is located between the materials and the property line associated with the required setback in which the materials are located. In this case, buffer planting must be installed between the storage area and the masonry wall. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the required setback shall be according to the Fire Code regulations.
8. In the D-CE-5 and D-CE-6 Zones, this regulation applies to all property lines which directly abut a Residential or Open Space Zone, except those fronting a public street. Buffering requirements also apply to: a) new development; or expansion of an industrial or commercial building by more than twenty percent (20%) of total floor area, or b) addition or expansion of an existing building so that the lot coverage exceeds thirty-five percent (35%), whichever is greatest. The planting requirement may be reduced but not eliminated if appropriate and approved by the Planning Director. The twelve (12) foot maximum fence height may only be achieved with additional screening. The fence or wall design shall be approved by the Planning Director. See also "Design Guidelines for the Central Estuary", Section 3.8 and 4.1.
9. In the D-CE-3 and D-CE-4 Zones, see Chapter 17.107 and Section 17.106.060 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. 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 (5) or more bedrooms. In the D-CE-3 Zone, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a conditional use permit (see Chapter 17.134 for the conditional use permit process). This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

11. In the D-CE-3 and D-CE-4 Zones, usable open space is not required for Work/Live, and is only required on lots with two (2) Residential or Live/Work units or more, and not required for a One-Family Dwelling with Secondary Unit. ~~single family homes with secondary units~~. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot, provided the Frontage Type design guidelines are followed (see Section 4.1 of the "Design Guidelines for the Central Estuary").

12. In the D-CE-5 Zone, parking for new development shall be located at the rear of the site or at the side of the building except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a Residential Zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right-of-way. All existing loading docks are not subject to this requirement.

13. Any new principal residential building or addition over five hundred (500) square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding Secondary Units of five hundred (500) square feet or less. The landscaping and buffering plan shall contain the following:

14. In the D-CE-5 and D-CE-6 Zones, the following landscape requirements apply:

b. Required parking lot landscaping: For all lots associated with ~~new construction of~~ with more than twenty-five thousand (25,000) square feet of new floor area, a minimum of ten percent (10%) of parking lot area shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls; permeable surfacing in lieu of irrigated landscaping may be provided if approved through design review procedure in Chapter 17.136. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces throughout the parking lot. Parking lots located adjacent to a public right-of-way shall include screening consistent with the landscaping and buffering guidelines in the "Design Guidelines for the Central Estuary".

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

19. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional regulations that apply to Secondary Units are provided in Section 17.103.080.

B. **Reduced Setbacks for Smaller Lots.** Table 17.101E.04 below prescribes reduced setback standards for lots less than four thousand (4,000) square feet. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

**Table 17.101E.04 Reduced Setbacks for Smaller Lots**

Regulation	Lot Size	Additional Regulations
	≤3,000 sf. or ≤35 feet wide	
<b>Minimum Setbacks</b>		
Minimum interior side	3 ft.	1
Minimum street side	3 ft.	1
Rear	10 ft.	1

**Additional Regulations for Table 17.101E.04:**

1. See Section 17.108.130 for allowed projections into setbacks.

**17.101E.060 Permitted frontage types.**

- A. Applicability. The frontage types described below are only applicable to the Central Estuary Zzones.
- B. Definitions. (See the "Design Guidelines for the Central Estuary", Section 4.1) The following definitions apply to this Cchapter only:
- C. Table 17.101E.05 below prescribes development standards specific to frontage types allowed. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. Intent, guidance and application of building Frontage Types can be found in the "Design Guidelines for the Central Estuary."

**Table 17.101E.05: Frontage Type Standards**  
See "Design Guidelines for the Central Estuary" Section 4.1.

	Blank Wall (maximum length in feet)		Transparency min. glazed area (percent of building facade)	Access (spacing in feet or per unit)	Additional Regulations
	Primary lot frontage	Secondary lot frontage			
<b>Public Frontage</b>	10 ft.	15 ft.	50%	50 ft. max.	1, 2
<b>Semi-Public Frontage</b>	20 ft.	20 ft.	40%	75 ft. max.	1, 2
<b>Private Frontage</b>	25 ft.	25 ft.	N/A	Min. 1 per unit or lobby	1, 2
<b>Service Frontage</b>	35 ft.	35 ft.	N/A	Min. 1 per primary lot frontage	1, 2, 3

**Additional Regulations for Table 17.101E.05:**

1. Minimum glazed area is measured between two (2) feet and nine (9) feet 2' - 0" and 9' - 0" above adjacent interior finished floor elevation.

#### 17.101E.070 Special regulations for Work/Live units.

##### A. Applicability.

1. Work/Live space shall be considered Commercially/ Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of Work/Live units shall: (1) clearly state that the proposal includes Commercially/Industrially Oriented Joint Living and Working Quarters, and (2) label the units intended to be these units as Commercially/ Industrially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow Industrial Activities in Work/Live units in the Industrial Zones.
2. Work/Live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. D-CE-3 and D-CE-4 Zones. A Work/Live unit in the D-CE-3 and D-CE-4 Zones must meet all applicable regulations contained in this Section. The D-CE-3 and D-CE-4 Zones regulations in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters.
4. D-CE-5 Zone. A Work/Live unit in the D-CE-5 Zone must meet all applicable regulations contained in this Section. The D-CE-5 Zones regulations in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters for Work/Live units.
5. D-CE-1, D-CE-2, and D-CE-6 Zones. Work/Live units are not allowed in the D-CE-1, D-CE-2, or D-CE-6 Zones.

##### B. Definition. The following definitions apply to this Chapter only:

1. For purposes of Work/Live conversion, an "existing building" must be at least ten (10) years old and originally designed for industrial or commercial occupancy.
2. "Residential floor area" shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms and hallways serving such areas.
3. "Nonresidential floor area" shall include floor areas designated for working.

##### C. **Regular design review required.** Establishment of a Work/Live unit shall only be permitted upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily Work/Live units in the Industrial Zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;

##### D. Table 17.101E.06 below prescribes special regulations for Work/Live units. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

"**P**" designates permitted activities in the corresponding zone.

OAKLAND

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

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

"N/A" designates the regulation is not applicable to the specified that-zone.

**Table 17.101E.06 Special Regulations for Work/Live Units**

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
<b>Activities Allowed</b>							
Work/Live - new construction	—	—	P	P	—	—	
Work/Live - conversion of existing building	—	—	P	P	C	—	1
Activities allowed in a Work/Live unit	N/A	N/A	Same permitted and conditionally permitted activities as described in Section 17.101E.030	Same permitted and conditionally permitted activities as described in Section 17.101E.030	Same permitted and conditionally permitted activities as described in Section 17.101E.030	N/A	
<b>Minimum Size of Work/Live Unit</b>	N/A	N/A	800 sf.	800 sf.	800 sf.	N/A	
<b>Maximum Nonresidential FAR</b> - See Design Guidelines Section 4.3.	N/A	N/A	3.0	3.0	N/A	N/A	2
<b>Work/Live Unit Type Permitted</b> See Table 17.101E.07 for definitions of the different types of Work/Live units.							
Type 1	—	—	P	P	C	—	3
Type 2	—	—	P	P	—	—	3
<b>Minimum Usable Open Space</b> - See also "Design Guidelines for the Central Estuary" Section 3.10.							
Group Usable Open Space per Work/Live unit	N/A	N/A	75 sf.	75 sf.	N/A	N/A	4
<b>Parking and Loading Requirements</b> - See also "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8.							

OAKLAND

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Minimum parking spaces required per Work/Live unit	N/A	N/A	1	1	N/A	N/A	5
Unassigned visitor or employee parking space required per 5 Work/Live units	N/A	N/A	1	1	N/A	N/A	5
<b>Required Bicycle Parking with Private Garage</b>							
Short-term space per 20 Work/Live units	N/A	N/A	1	1	N/A	N/A	6
Minimum short-term spaces	N/A	N/A	2	2	N/A	N/A	6
<b>Required Bicycle Parking without Private Garage</b>							
Short-term space per 20 Work/ Live units and long-term space per 4 units	N/A	N/A	1	1	N/A	N/A	6
Minimum short-term spaces and minimum long-term spaces	N/A	N/A	2	2	N/A	N/A	6
<b>Required Loading</b> - See also "Design Guidelines for the Central Estuary" Section 3.6							
<25,000 sf.	N/A	N/A	No berth	No berth	N/A	N/A	7
25,000 - 69,999 sf.	N/A	N/A	1 berth	1 berth	N/A	N/A	7
70,000 - 130,000 sf.	N/A	N/A	2 berths	2 berths	N/A	N/A	7
Each additional 200,000 sf.	N/A	N/A	1 more berth	1 more berth	N/A	N/A	7
<b>Public Entrance to Nonresidential Floor Area</b>	N/A	N/A	Yes	Yes	Yes	N/A	8

**Additional Regulations for Table 17.101E.06:**

1. **Use Permit Criteria.** A conditional use permit for a Work/Live 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 both of the following additional use permit criteria:

- a. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and
- b. That the workers and others living there will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions.

2. Work/Live units are Nonresidential Facilities and counted towards the nonresidential floor area ratio, not the residential density.

3. See Table 17.101E.07 for definitions of the different types of Work/Live units.

4. Open space standards apply to new construction only. For conversion of existing buildings, maintaining existing open space is required to at least these minimum standards. All required usable open space shall meet the useable open space standards contained in Chapter 17.126, except that all useable open space may be provided on roof tops, podiums or other non-ground-level areas. Further, each square foot of private useable open space equals two (2) square feet towards the total usable open space requirement.

5. Parking standards apply to new construction only. For conversion of existing buildings, maintaining existing parking is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.

6. See Chapter 17.117 for other bicycle parking requirements.

7. See Chapter 17.116 for other loading standards.

8. Each D-CE-3 and D-CE-4 Work/Live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.

E. Table 17.101E.07 below describes the different types of Work/Live units. Each new Work/Live unit shall qualify as at least one of the following Unit Types:

**Table 17.101E.07 Definitions of the Different Types of Work/Live Units**

Unit Type	Maximum residential floor area	Special requirements	Separation between residential and nonresidential floor area	Additional Regulations
Type 1	One-third	All remaining floor area to be used for the primary <u>Nonresidential non-residential</u> activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall.(see Note 2, below, for an exception for kitchens)	1, 2



OAKLAND

Type 2	50 percent	<p>1. At least 75% of the ground floor must be dedicated to nonresidential floor area; and</p> <p>2. The ground floor must be directly accessible to the street and have a clearly designated business entrance.</p>	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines), or be separated by an interior wall. (see Note 2, below, for an exception for kitchens).	1, 2, 3
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**Additional Regulations for Table 17.101E.07:**

1. All required plans for the creation of Work/Live units shall: (1) delineate areas designated to contain Residential Activities and areas designated to contain Nonresidential Activities, and (2) contain a table showing the square footage of each unit devoted to Residential and Nonresidential Activities. ~~See Section 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.~~

2. For Work/Live in D-CE-3 and D-CE-4 Zones, a kitchen may be open to non-residential floor area if the kitchen is adjacent to and directly accessible from a residential floor area or stairs that lead to residential floor area. In these kitchens not separated by an interior wall, the kitchen is only required to be separated from the nonresidential floor area by a partition that can be opened and closed.

3. Each D-CE-3 and D-CE-4 Work/Live unit shall contain no more than one (1) fully equipped kitchen. A D-CE-3 and D-CE-4 Work/Live unit may contain a second sink and counter to serve the nonresidential floor area.

F. Additional Regulations for all Work/Live units.

1. Each Work/Live unit shall contain at least one (1) tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.

2. For any Work/Live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:

a. The Work/Live unit is in a Nonresidential Facility that allows Commercial and/or Industrial Activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

b. Each Work/Live unit shall contain at least one (1) tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

4. The development of Work/Live units in the Industrial Zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for Work/Live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

**17.101E.080 Special Regulations for Live/Work Units in the D-CE-3 and D-CE-4 Zones.**

**A. Applicability.**

1. Live/Work units are Residential Facilities and shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's Condominium Conversion Ordinance, Chapter 16.36. The same requirements contained in the City's Condominium Conversion Ordinance that relate to residential units shall apply to Live/Work units.
2. D-CE-3 and D-CE-4. A Live/Work unit in the D-CE-3 and D-CE-4 Zones must meet all applicable regulations contained in this Section. Regulations in this Section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into joint living and working quarters.
3. D-CE-1, D-CE-2, D-CE-5, and D-CE-6. Live/work units are not allowed in the D-CE-1, D-CE-2, D-CE-5, or D-CE-6 Zones.

**B. Definition.** The following definitions apply to this Chapter only: For purposes of Live/Work conversion, an "existing building" must be at least ten (10) years old and originally designed for industrial or commercial occupancy.

1. "Residential floor area" shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms, and hallways serving such areas.
2. "Nonresidential floor area" shall be considered ~~include floor~~ areas designated for working.

**E.** Table 17.101E.08 below prescribes special regulations for Live/Work units. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

"**P**" designates permitted activities in the corresponding zone.

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

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

"**N/A**" designates the regulation is not applicable to the specified ~~that~~ zone.

**Table 17.101E.08 Special Regulations for Live/Work Units in D-CE-3 and D-CE-4 Zones**

Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
Activities Allowed	Same permitted and conditionally permitted activities	Same permitted and conditionally permitted activities	

OAKLAND

Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
	as described in Section 17.101E.030 and any that would qualify as a home occupation in a Residential Facility (see Section 17.101E.100)	as described in Section 17.101E.030 and any that would qualify as a home occupation in a Residential Facility (see Section 17.101E.100)	
<b>Maximum Residential Density</b>	Same as Table 17.101E.03	Same as Table 17.101E.03	1
<b>Minimum Usable Open Space</b> See Design Guidelines Section 3.10.	Same as Table 17.101E.03	Same as Table 17.101E.03	
<b>Parking and Loading Requirements</b> See also "Design Guidelines for the Central Estuary" Sections 3.2, 3.5, 3.6 and 3.8.			
Minimum parking spaces required per <u>W</u> ork/ <u>L</u> ive unit	1	1	2
<b>Required Bicycle Parking with Private Garage</b>			
Short-term spaces per 20 Live/Work units	1	1	3
Minimum short-term spaces	2	2	3
<b>Required Bicycle Parking without Private Garage</b>			
Short-term spaces per 20 Live/Work units and long-term spaces per 4 units	1	1	3
Minimum short-term spaces and minimum long-term spaces	2	2	3
<b>Required Loading</b> See also "Design Guidelines for the Central Estuary" Section 3.6			
>50,000 sf.	No berth	No berth	4
50,000 - 149,999 sf.	1 berth	1 berth	4
150,000 - 299,000 sf.	2 berths	2 berths	4
Each additional	1 more berth	1 more berth	4

Development Standards	Zones		Additional Regulations
	D-CE-3	D-CE-4	
300,000 sf.			

**Additional Regulations for Table 17.101E.08:**

1. Live/Work units are Residential Facilities and shall be counted towards the residential density, not the nonresidential floor area ratio.

F. Additional Regulations for Live/Work units.  
building codes appropriate for a Live/Work facility.

3. For any Live/Work unit in a D-CE-3 and D-CE-4 Zone, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an acknowledgment that the property is in a facility that allows Commercial and/or Light Industrial Activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.

**17.101E.090 Special Regulations for Mini-lot and Planned Unit Developments.**

A. **Mini-lot Developments.** In Mini-Lot Developments, certain regulations that apply to individual lots in the D-CE-3 and D-CE-4 Zones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the D-CE-3 and D-CE-4 Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

**17.101E.100 Special Regulations for Home Occupation in the D-CE-3 Zone.**

A. Purpose and Applicability. The special home occupation regulations described below shall apply in the D-CE-3 Zone only. The purpose of these regulations is to prescribe the expanded conditions under which nonresidential activities may be conducted in the D-CE-3 Zone when incidental to Residential Activities. These special home occupation regulations are intended to incentivize the preservation of historic homes in the Jingtown/Elmwood neighborhood, and to encourage more home-based artisan crafts in the district. The historic character-defining features of the structures must be maintained. For home occupation regulations in all other zones, see Planning Code Chapter 17.112.

**B. Definitions.**

1. A "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage or accessory structure attached or detached thereto and located on the lot as the living unit, or, for Limited Agricultural Activities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of this Chapter.
2. For the purpose of this Chapter, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size.
3. For the purpose of this Chapter only, a "bee keeping activity" is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.

**C. Exclusions.** The following activities shall not in any case qualify as home occupations:

1. Introductory service;
2. Teaching of organized classes totaling more than six (6) persons at a time;
3. Accommodation of more than three (3) paying guests within a One-Family Dwelling Residential Facility, or of any number of paying guests within a living unit in any other type of Residential Facility;
4. Operation of a beauty parlor with more than two (2) hairdrying machines;
5. Maintenance of a construction contractor's storage or construction yard or garage;
6. Care, treatment, or boarding of animals for profit;
7. Agricultural Activities that include the use of mechanized farm equipment.
8. Bee keeping activities that include more than three (3) hives.

**D. Requirements.**

1. Location. A home occupation shall only be performed in the following locations:
  - a. Within a living unit by a resident thereof;
  - b. Within an attached or detached garage or accessory structure reserved for a living unit; however, existing parking must be maintained or replacement parking provided.
  - c. For Limited Agricultural Activities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.

## OAKLAND

2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.
  3. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this chapter, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one (1) nonresident employee is at the site at any one (1) time. Only one (1) nonresident employee is permitted per residential unit, even if more than one (1) home occupation business operates at the subject unit.
  4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
  5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one (1) Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.
  6. Retention of Historic Character-Defining Features. The historic character-defining features of the building shall be maintained in all home occupations.
  7. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.
  8. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.
  9. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.
  10. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.
- E. Application. For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City's Basic Application for Development Review for the floor plan and site plan requirements; See also the City's Supplemental Questionnaire for Proposed Activities/Uses.
- F. Required approval. No home occupation in the D-CE-3 Zone shall be permitted unless the Director of City Planning certifies that it will conform to the special home occupation

regulations contained in this Section. The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

**17.101E.110 Special Parking Regulations for the D-CE Zones.**

For the purposes of this Chapter only, the following regulations apply to the Boat and Marine-Related Sales, Rental, Repair and Servicing Activity. Auto parking regulations for other activity types are contained in Chapter 17.116 Off-Street Parking and Loading Requirements. Bicycle parking regulations for other activity types are contained in Chapter 17.117 Bicycle Parking Requirements.

- A. Off-Street Parking—Commercial Activities. The following amounts of off-street parking are required for the specified Commercial Activity when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of Planning Code Chapter 17.116 Off-Street Parking and Loading Requirements.

Commercial Activity Type	Zone	Minimum Total Size for Which Parking Required	Requirement
Boat and Marine-Related Sales, Rental, Repair and Servicing	D-CE-1 and D-CE-6	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

- B. Required Bicycle Parking—Commercial Activities. Subject to the calculation rules set forth in Chapter 17.117 Bicycle Parking Requirements Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activity and shall be developed and maintained pursuant to the provisions of Article II of Chapter 17.117

Commercial Activity Type	Long-Term Bicycle Parking Requirement	Short-Term Bicycle Parking Requirement
Boat and Marine-Related Sales, Rental, Repair and Servicing	One (1) space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	One (1) space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.

**17.101E.112 Other zoning provisions.**

The following table contains referrals to other regulations that may apply:

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the D-CE Zones.
- B. Parking and Loading. Off-street parking and loading shall be provided as prescribed in this Chapter and in the off-street parking and loading requirements in Chapter 17.116.

OAKLAND

- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-CE Zones.
- I. Electroplating Activities. Special regulations applying to Electroplating Activities in Section 17.102.340, shall apply in the D-CE Zones.



**Chapter 17.101F D-GI GATEWAY INDUSTRIAL DISTRICT ZONE REGULATIONS <sup>[40]</sup>****Sections:**

- 17.101F.010 Title, intent, and description.
- 17.101F.020 Required master plan conformance.
- 17.101F.030 Permitted and conditionally permitted activities.
- 17.101F.040 Permitted and conditionally permitted facilities.
- 17.101F.050 Property development standards.
- 17.101F.060 Design standards.
- 17.101F.070 Demolition.
- 17.101F.080 Other zoning provisions.

**17.101F.010 Title, intent, and description.**

The provisions of this Chapter shall be known as the D-GI Gateway Industrial District (D-GI) Zone Regulations. The intent of the Gateway Industrial District (D-GI) Zone is to facilitate implementation of the Oakland Army Base Reuse Plan.

**17.101F.080 Other zoning provisions.**

Except as expressly provided, all other provisions of the Oakland Municipal Code shall apply in the D-GI Zone, including but not limited to, the provisions listed below.

- A. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the D-GI Zone.
- B. **Buffering Regulations.** The requirements of the buffering regulations in Chapter 17.110 shall apply in the D-GI Zone.
- C. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. **Parking and Loading.** Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- E. **Bicycle Parking.** Bicycle parking shall be provided as prescribed in the bicycle parking requirements in Chapter 17.117.
- F. **Recycling Space Allocation Requirements.** The recycling space allocation requirements in Chapter 17.118 shall apply in the D-GI Zone.
- G. **Performance Standards.** The performance standards in Chapter 17.120 shall apply in the D-GI Zone.
- H. **Landscaping and Screening Standards.** The landscaping and screening standards in Chapter 17.124 shall apply in the D-GI Zone.

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

- 17.101G.010 Title, purpose, and applicability.
- 17.101G.020 Required design review process and pre-application review.
- 17.101G.030 Permitted and conditionally permitted activities.
- 17.101G.040 Permitted and conditionally permitted facilities.
- 17.101G.050 Property development standards.
- 17.101G.060 Usable open space standards.
- 17.101G.070 Special regulations for large-scale developments.
- 17.101G.080 Other zoning provisions.

**17.101G.010 Title, purpose, and applicability.**

- A. Intent. The provisions of this Chapter shall be known as the D-LM Lake Merritt Station Area District Zones ~~R~~regulations. The intent of the Lake Merritt Station Area District (D-LM) Zones regulations is to implement the Lake Merritt Station Area Plan. Development in this zoning district shall be consistent with the Lake Merritt Station Area Plan, of a high quality design, and include active ground floor uses where appropriate and feasible. The objectives of the D-LM Lake Merritt Station Area District Zones Plan are to:
1. Create a more active and vibrant Lake Merritt Station Area District to serve and attract residents, businesses, students, and visitors;
  2. Increase activity and vibrancy in the area by encouraging vital retail nodes that provide services, restaurants, and shopping opportunities;
  - ~~3~~4. Improve connections between the Lake Merritt BART Station Area District and major destinations outside the Station Area District;
  - ~~4~~5. Improve safety and pedestrian-orientation;
  - ~~5~~6. Accommodate the future population, including families;
  6. Increase the number of jobs and improve the local economy;
  7. Identify additional recreation and open space opportunities and improve existing resources; and
  8. Encourage and enhance a pedestrian-oriented streetscape.
- B. **Description of zones.** This Chapter establishes land use regulations for the following five (5) zones:
1. **D-LM-1 Lake Merritt Station Area District Mixed Residential - 1 Zone, -4-**The intent of the D-LM-1 Zzone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible Ccommercial Aactivities.
  2. **D-LM-2 Lake Merritt Station Area District Pedestrian Commercial - 2 Zone, -2-**The intent of the D-LM-2 Zzone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District for ground-level, pedestrian-oriented, active storefront

uses. Upper story spaces are intended to be available for a wide range of Office and Residential Activities.

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

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

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

- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the “Design Guidelines for the Lake Merritt Station Area Plan” is required for any proposal in the D-LM Zones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the “Design Guidelines for the Lake Merritt Station Area Plan”, the design objectives in the “Design Guidelines for the Lake Merritt Station Area Plan” shall prevail.
- D. Pre-Application Review— Discretionary Approvals. Prior to any Planning application involving an Opportunity Site identified in the Lake Merritt Station Area Plan which requires one or more discretionary approvals (including, but not limited to, Regular design review, conditional use permit, variance, and/or subdivision), the applicant, or his or her representative, shall submit for a pre-application review of the proposal by a representative of the City Planning Department. During the pre-application review, City staff will provide information about applicable Lake Merritt Station Area Plan objectives and design guidelines.

**17.101G.030 Permitted and conditionally permitted activities.**

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

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.101G.01: Permitted and Conditionally Permitted Activities**

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Residential Activities</b>						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P	
Residential Care	P(L1)(L2)	P(L1)(L2)	P(L1)(L2)	P(L1)(L2)	P(L2)	17.103.010
Service-Enriched <del>Permanent</del> Supportive Housing	<del>P</del> C(L1)(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C(L2)	<del>17.103.010</del>
Transitional Housing	<del>P</del> C(L1)(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C(L1)(L2)	<del>P</del> C(L2)	<del>17.103.010</del>
Emergency Shelter	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L2)	17.103.010
Semi-Transient	C(L1)	C(L1)	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	P	17.10.125
<b>Civic Activities</b>						

OAKLAND

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P	
Recreational Assembly	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P	
Community Education	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P	
Nonassembly Cultural	P	P	P	P	P	
Administrative	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P(L4)(L5)	P	
Health Care	C	C	C	C	C	
Special Health Care	—	C(L6)(L8)	C(L6)(L8)	C(L6)(L8)	C(L6)(L8)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
<b>Commercial Activities</b>						
General Food Sales	P(L4)(L7)	P(L4)	P	P(L4)	P	
Full Service Restaurants	P	P	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	P	P	
Fast-Food Restaurant	—	C	C	C	C	17.103.030 and 8.09
Convenience Market	C(L7)	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	C	C	
Medical Service	P(L4)(L5)	P(L4)(L5)	P(L5)	P(L5)	P	
General Retail Sales	P	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	P(L4)(L5)(L9)	P(L4)(L5)(L9)	P(L5)(L9)	P(L5)(L9)	P(L9)	

OAKLAND

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Consultative and Financial Service	P(L4)(L5)	P(L4)(L5)	P(L5)	P(L5)	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L5)(L7)	P(L5)	P(L5)	P(L5)	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	C	
Group Assembly	C(L11)	P(L4)(L5)(L11)	P(L11)	P(L4)(L5)(L11)	P(L11)	
Personal Instruction and Improvement Services	P	P	P	P	P	
Administrative	P(L4)(L5)	P(L4)(L5)	P(L5)	P(L5)	P	
Business, Communication, and Media Services	P(L4)(L5)(L7)	P(L4)(L5)	P(L5)	P(L5)	P	
Broadcasting and Recording Services Commercial Activities	P(L4)(L5)(L7)	P(L4)(L5)	P(L5)	P(L5)	P	
Research Service	P(L4)(L5)	P(L4)(L5)	P(L5)	P(L5)	P	
General Wholesale Sales	—	—	—	C	—	
Transient Habitation	C	C	C	C	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	C(L13)	—	

OAKLAND

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

OAKLAND

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
All Trucking and Truck-Related Activities	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>						
Limited Agriculture	P(L15)	P(L15)	P(L15)	P(L15)	P(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	—	—	—	—	—	
Mining and Quarrying	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	C	17.116.075
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	C	C	C	C	C	17.102.110

**Limitations:**

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

**L2.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No



Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

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

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

**L4.** With the exception of parcels facing Broadway and 14th Street, the total linear frontage length devoted to these activities on the ground floor by any single establishment may only exceed twenty-five percent (25%) of the total linear frontage length from street corner to street corner upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Any single establishment may only exceed twelve thousand (12,000) square feet in floor area upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

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

**L5.** If located on a Commercial Corridor, as defined in Section 17.101G.010.C with the exception of 8<sup>th</sup>, 9<sup>th</sup>, Franklin, Webster and Harrison Streets between 7<sup>th</sup>, 10<sup>th</sup>, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). If located on 8<sup>th</sup>, 9<sup>th</sup>, Franklin, Webster and Harrison Streets between 7<sup>th</sup>, 10<sup>th</sup>, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, any single establishment may only exceed five thousand (5,000) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

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

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

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

OAKLAND

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

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

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

**L11.** No new or expanded Aadult Eentertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zzone or three hundred (300) feet from any other Aadult Eentertainment Activity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Activities.

**17.101G.040 Permitted and conditionally permitted facilities.**

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited

**Table 17.101G.02: Permitted and Conditionally Permitted Facilities**

Facilities Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Residential Facilities</b>						
One-Family Dwellings	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	P(L5)	P(L5)	P(L5)	P(L5)	P(L5)	17.103.080
Two-Family Dwelling	P	P(L5)	P(L5)	P(L5)	P(L5)	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	P	P	P	P	P	

OAKLAND

Facilities Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Mobile Home	—	—	—	—	—	
<b>Nonresidential Facilities</b>						
Enclosed Nonresidential	P(L3)	P(L3)	P(L3)	P(L3)	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In Nonresidential	—	—	—	C	C	
Drive-Through Nonresidential	—	—	—	C(L2)	C(L2)	17.103.100
<b>Telecommunications Facilities</b>						
Micro Telecommunications	C	P	P	P	P	17.128
Mini Telecommunications	C	P	P	P	P	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
<b>Sign Facilities</b>						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

**Limitations:**

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

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

- a. The facility fronts onto a: (1) "Transitional Commercial Corridor", as identified in Section 17.101G.010.C, is more than thirty-five (35) feet wide, and is either: within a Lake Merritt Station Area Plan Opportunity Site or on a corner lot; or
- b. The facility fronts onto a: (2) "Commercial Corridor", as identified in Section 17.101G.010.C, and is more than thirty-five (35) feet wide.

**L4.** ~~No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events, are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure)~~

**L5.** A Secondary Unit that meets all requirements set forth in Section 17.103.080 is only permitted in conjunction with an existing One-Family Dwelling. Also, a Two-Family Dwelling that meets all applicable requirements set forth in the Planning and Building Codes is only permitted as the result of an approved conversion of an existing One-Family Dwelling.

**17.101G.050 Property development standards.**

A. **Zone Specific Standards.** Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

**Table 17.101G.03: Property Development Standards**

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Minimum Lot Dimensions</b>						
Width	25 ft.	25 ft.	50 ft.	50 ft.	50 ft.	1
Frontage	25 ft.	25 ft.	50 ft.	50 ft.	50 ft.	1
Lot area	4,000 sf.	4,000 sf.	7,500 sf.	7,500 sf.	7,500 sf.	1
<b>Minimum/Maximum Setbacks</b>						
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front and street side for the first story	N/A None	5 ft.	5 ft.	10 ft.	N/A None	3
Maximum front and street side for the second and third stories or thirty-five (35) feet, whatever is lower	N/A None	5 ft.	5 ft.	N/A None	N/A None	3
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Minimum corner side	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Rear	10 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Average minimum setback from the Lake Merritt Estuary Channel	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	4

OAKLAND

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<b>Design Regulations</b>						
Ground floor commercial facade transparency	55%	65%	55%	55%	55%	5
Minimum height of the ground floor <u>Nonresidential Facilities</u>	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	6
Minimum width of storefronts	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	7
Minimum separation between the grade and ground floor living space	2.5 ft.	<u>N/A Not Applicable</u>	<u>N/A Not Applicable</u>	2.5 ft.	<u>N/A Not Applicable</u>	8

**Additional Regulations:**

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty percent (50%) or more of the frontage on the same block and side of the street is in a R Residential Z zone.
5. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential F facilities, and only applies to the facade facing the principal street. On all other street facing facades, the requirement is one-half (½) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.
6. This height is required for all-new principal buildings and is measured from the sidewalk grade to the second story floor.

**B. Height, Bulk, and Intensity Area Specific Standards.** Table 17.101G.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in the Zoning Maps. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified Height/Bulk/Intensity Area.

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

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
<b>Maximum Height</b>					

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Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Building Base	45 ft.	45 ft.	45 ft. base; 85 ft. base upon granting of CUP and additional findings in Note 2.a, b, c	45 ft. base; 85 ft. base upon granting of CUP and additional findings in Note 2.a, b, c	1
Maximum Height <del>Total Tower</del>	45 ft. —	85 ft.	175 ft.	275 ft.	2
Height Area Exceptions Allowed With Conditional Use Permit (CUP)	N/A Not applicable	<u>LM-175 standards allowed for 5 bldgs. total</u> (2 on east side and 3 on west side of Lake Merritt Channel); <del>LM-175 standards apply;</del>  <u>LM-275 standards allowed for 3 bldgs. total</u> (1 on east side and 2 on west side of Lake Merritt Channel) — <del>LM-275 standards apply</del>	<u>LM-275 standards allowed for 3 bldgs. total</u> — <del>LM-275 standards apply</del>	Not applicable	2
<b>Minimum Height</b>					
New principal buildings	25 ft.	35 ft.	35 ft.	35 ft.	3
<b>Maximum Residential Density (Square Feet of Lot Area Required Per Unit)</b>					
Dwelling unit	450	225	110	110	2, 4
Rooming unit	225	110	55	55	2, 4
<b>Maximum Nonresidential Intensity (Floor Area Ratio)</b>					
Maximum Nonresidential Floor Area Ratio (FAR)	2.5	5	8	12	2, 4
<b>Tower Regulations</b>					

OAKLAND

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Setback of Tower from Building Base	<u>N/A Not applicable</u>	0 ft., for buildings not exceeding 85 ft. in height;  10 ft., along at least 50% of the perimeter length of base for buildings exceeding 85 ft. in height	20 ft., along at least 50% of the perimeter length of the building base;  10 ft., along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c	20 ft., along at least 50% of the perimeter length of the building base;  10 ft., along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c	See additional CUP findings in Note 2 below
<del>Setback of Tower from building base</del>	<del>Not applicable</del>	<del>0 ft. for buildings not exceeding 85 ft in height  10 ft. along at least 50% of the perimeter length of base for buildings exceeding 85 ft in height</del>	<del>20 ft. along at least 50% of the perimeter length of base  10 ft. along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2 a, b, c</del>	<del>20 ft. along at least 50% of the perimeter length of base  10 ft. along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2 a, b, c</del>	<del>See additional CUP findings in Note 2 below</del>
Maximum average per story lot coverage above building base	<u>N/A Not applicable</u>	<u>N/A Not applicable to buildings 85 ft or less in height</u>	65% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	2, 5
Maximum tower elevation length	<u>N/A Not applicable</u>	<u>N/A Not applicable to buildings 85 ft or less in height</u>	150 ft.	150 ft.	2, 5
Maximum diagonal length	<u>N/A Not applicable</u>	<u>N/A Not applicable to buildings 85 ft or less in height</u>	180 ft.	180 ft.	2, 5

OAKLAND

Regulation	Height/Bulk/Intensity Areas				Notes
	LM-45	LM-85	LM-175	LM-275	
Minimum distance between towers on the same lot	N/A Not applicable	N/A Not applicable to buildings 85 ft or less in height	50 ft.	50 ft.	2

**Notes:**

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

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

- a. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies;
- b. The proposal will promote implementation of the Lake Merritt Station Area Plan; and
- c. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area; ~~and~~

~~d.~~ The following application process for a height area exception shall be ~~is~~ followed:

- i. Applications for any of the limited number of allowed height area /bulk/intensity exceptions prescribed in Table 17.101G.04 shall be reviewed on a first come, first served basis.
- ii. A project shall secure a position as one of the specified height area /bulk/intensity exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.
- iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.

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

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



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

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

**17.101G.060 Usable open space standards.**

A. **General.** This Section contains the usable open space standards and requirements for residential development in the D-LM Zones. These requirements shall supersede those in Chapter 17.126.

C. **Standards.** All required usable open space shall be permanently maintained and shall conform to the following standards:

- 1. **Area.** On each lot containing Residential Facilities with a total of two (2) or more living units, usable open space shall be provided for such facilities at the following rates:

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

Type of Living Unit	Minimum Open Space Area Required
Senior Housing Unit	Thirty-eight (38) square feet per unit
Affordable Housing Unit	Sixty (60) square feet per unit
Rooming Unit	Thirty-eight (38) square feet per unit
Residential Unit within a Building on the Local Register of Historic Resources	Thirty-eight (38) square feet per unit
Other Residential Unit	Seventy-five (75) square feet per unit

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

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

Type of Usable Open Space	Minimum Dimension or Size	Notes
<b>Private</b>	10 ft. for space on the ground floor, no dimensional requirement elsewhere.	
<b>Public Ground-Floor Plaza</b>	10 ft.	
<b>Rooftop</b>	15 ft.	Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward this dimension.

Type of Usable Open Space	Minimum Dimension or Size	Notes
Courtyard	15 ft.	
Off-Site Open Space	10 ft.	
Community Room	250 square feet	

- 5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
- F. Variances. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter. The granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space.

**17.101G.070 Special regulations for large-scale developments.**

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

**17.101G.080 Other zoning provisions.**

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

**Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS****Sections:**

- 17.101H.010 Title, intent, and description.
- 17.101H.020 Required design review.
- 17.101H.030 Permitted and conditionally permitted activities.
- 17.101H.040 Permitted and conditionally permitted facilities.
- 17.101H.050 Property development standards.
- 17.101H.060 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one (1) acre or more land area.
- 17.101H.070 Use permit criteria in the D-CO-1 Zone.
- 17.101H.080 Special regulations for large-scale developments.
- 17.101H.090 Special regulations for Mini-lot and Planned Unit Developments.
- 17.101H.095 Compliance with Oakland Airport Land Use Compatibility Plan
- 17.101H.100 Other zoning provisions.

**17.101H.010 Title, intent, and description.**

- A. Title and Intent. The provisions of this Chapter shall be known as the D-CO Coliseum Area District Zones Regulations. The intent of the Coliseum Area District (D-CO) Zones is to:
- B. Description of Zones. This Chapter establishes land use regulations for the following six (6) zones:
  1. **D-CO-1 Coliseum Area Transit-Oriented Development District - 1 Zone -4 (Coliseum BART/ San Leandro Street).** The D-CO-1 Zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments, to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of Residential, Civic, Commercial, and Light Industrial Activities.
  2. **D-CO-2 Coliseum Area Commercial District - 2 Zone -2 (Coliseum District).** The D-CO-2 Zone is intended to create, maintain and enhance areas that allow a broad mixture of residential, retail, commercial, office, and light industrial uses, and serve as region-drawing centers of sports, entertainment, and business activities.
  3. **D-CO-3 Coliseum Area Commercial District - 3 Zone -3 (Oakport South / Hegenberger Road).** The D-CO-3 Zone is intended to create, maintain and enhance areas suitable for a wide variety of retail, commercial, and industrial operations along the Oakport Street and Hegenberger Road corridors, and in region-drawing centers of Commercial, and Light Industrial Activities.
  4. **D-CO-4 Coliseum Area Commercial District - 4 Zone -4 (Edgewater North / Waterfront).** The D-CO-4 Zone is intended to create, maintain and enhance a mix of

activities on or near the Northwest Edgewater Drive waterfront. This zone allows for the consideration of housing, if shown to be compatible in an area with a strong presence of Commercial and Industrial Activities.

5. **D-CO-5 Coliseum Area Commercial Industrial Mix District - 5 Zone -5 (Edgewater South / Pardee Drive).** The D-CO-5 Zone is intended to create, preserve, and enhance areas near Pardee Drive and within the southern portion of the Airport Business Park that are appropriate for a wide variety of Office, Commercial, Industrial, and Logistics Activities.
6. **D-CO-6 Coliseum Area Commercial Industrial Mix District - 6 Zone -6 (Oakport North).** The D-CO-6 Zone is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher intensity commercial and light industrial land uses and development types.

**17.101H.020 Required design review.**

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

**17.101H.030 Permitted and conditionally permitted activities.**

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

"P" designates permitted activities in the corresponding zone.

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

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

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

**Table 17.101H.01: Permitted and Conditionally Permitted Activities**

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

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Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Service-Enriched Permanent Supportive Housing	P C(L1)	P C(L1)	—	C(L1)(L4)	—	—	17.103.010
Transitional Housing	P C(L1)	P C(L1)	—	C(L1)(L4)	—	—	17.103.010
Emergency Shelter	—	—	—	—	—	—	17.103.010
Semi-Transient	C	C	—	—	—	—	17.103.010
Bed and Breakfast	—	—	—	—	—	—	17.10.125
<b>Civic Activities</b>							
Essential Service	P	P	P	P	P	P	
Limited Child-Care Activities	P	P	C	C(L6)	—	—	
Community Assembly	C	C	C	C	C	C	
Recreational Assembly	P	P	P	P	C	C	
Community Education	P	P	C	C	—	C	
Nonassembly Cultural	P	P	P	P	C	C	
Administrative	P	P	P	P	C	C	

OAKLAND

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Health Care	C	C	C	C	—	—	
Special Health Care	—	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C(L5)	C	C	C	
<b>Commercial Activities</b>							
General Food Sales	P	P	P	P(L2)	P(L2)	P(L2)	
Full Service Restaurants	P	P	P	P(L2)	P(L2)	P(L2)	
Limited Service Restaurant and Cafe	P	P	P	P(L2)	P(L2)	P(L2)	
Fast-Food Restaurant	C	C	C	—	—	—	17.103.030 and 8.09
Convenience Market	C	C	C	C	—	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C	—	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	P	C(L6)	—	—	—	
Medical Service	P	P	C	C	C	C	

OAKLAND

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
General Retail Sales	P	P	P	P	C(L10)	P	
Large-Scale Combined Retail and Grocery Sales	—	C	—	—	—	—	
Consumer Service	P(L8)	P(L8)	P(L8)	P(L8)	C	C	17.102.170 and 17.102.450
Consultative and Financial Service	P	P	P	P	—	—	
Check Cashier and Check Cashing	—	—	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	P	P	P	P	—	—	
Consumer Dry Cleaning Plant	C	C	C	C	—	—	
Group Assembly	P(L14)	P(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Personal Instruction and Improvement Services	P	P	P	C	C	C	
Administrative	P	P	P	P	P	P	
Business, Communication, and Media Services	P	P	P	P	P	P	

OAKLAND

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P	P	P	P	
General Wholesale Sales	P(L2)	P(L2)	P(L3)	P(L2)	P	P(L2)	
Transient Habitation (Hotels)	C	C	C	C	—	C	17.103.050
Building Material Sales	—	—	—	—	C	—	
Automobile and Other Light Vehicle Sales and Rental	C	C	C	—	—	C	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	C(L11)	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	C(L11)	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	—	—	
Automotive Fee Parking	C	C	C(L11)(L15)	C	C	C	
Animal Boarding	—	—	C(L11)(L13)	—	—	—	
Animal Care	C	C	C	—	—	—	



OAKLAND

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Undertaking Service	—	—	—	—	—	—	
<b>Industrial Activities</b>							
Custom Manufacturing	P	P	P	P	P	P	17.120
Light Manufacturing	C	P	P	P(L3)	P	P	17.120
General Manufacturing	—	—	—	—	C(L11)(L13)	—	
Heavy/High Impact	—	—	—	—	—	—	
Research and Development	P	P	P	P	P	P	
Construction Operations	—	—	—	—	C	—	
<b>Warehousing, Storage, and Distribution-Related:</b>							
A. General Warehousing, Storage and Distribution	—	P(L3)(L9)	P(L9)	P(L3)(L9)	P(L9)	P(L9)	
B. General Outdoor Storage	—	—	—	—	C(L11)(L13)	C(L13)	
C. Self- or Mini-Storage	—	—	—	—	C(L11)	—	
D. Container	—	—	—	—	—	—	

OAKLAND

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Storage							
E. Salvage/Junk Yards	—	—	—	—	—	—	
Regional Freight Transportation-Related:							
A. Seaport	—	—	—	—	—	—	
B. Rail Yard	—	—	—	—	—	—	
Trucking and Truck-Related:							
A. Freight/Truck Terminal	—	—	—	—	C(L7)	—	
B. Truck Yard	—	—	—	—	C(L7)	—	
C. Truck Weigh Stations	—	—	—	—	C(L7)	—	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	—	—	—	C(L7)	—	
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	—	—	—	—	C(L7)	—	
Recycling and Waste-Related:							
A. Satellite Recycling Collection Centers	—	—	—	—	—	—	

OAKLAND

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
B. Primary Recycling Collection Centers	—	—	—	—	—	—	17.73.035
Hazardous Materials Production, Storage, and Waste Management-Related:							
A. Small Scale Transfer and Storage	—	—	—	—	—	—	
B. Industrial Transfer/Storage	—	—	—	—	—	—	
C. Residuals Repositories	—	—	—	—	—	—	
D. Oil and Gas Storage	—	—	—	—	—	—	
<b>Agriculture and Extractive Activities</b>							
Limited Agriculture	P(L16)	P(L16)	P(L16)	P(L16)	P(L16)	P(L16)	
Extensive Agriculture	C(L17)	C(L17)	C(L17)	C(L17)	C(L17)	C(L17)	
Plant Nursery	—	C	C	C	C(L12)	C(L12)	
Mining and Quarrying	—	—	—	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	C	C	C	C	C	C	17.116.175

OAKLAND

Activities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

**Limitations on Table 17.101H.01:**

**L1.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

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

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

1. The activity is screened in a manner as determined by the Planning Director, including but not limited to, buffer planting installed along the site exterior; and
2. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding district in terms of noise, water and pollutant runoff, heavy equipment operation, hours of operation, odor, security, and vehicular traffic.

**L14.** No new or expanded Aadult Eentertainment Aactivity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zzone or three hundred (300) feet from any other Aadult Eentertainment Aactivity. See Section 17.102.160 for further regulations regarding Aadult Eentertainment Aactivities.

**17.101H.040 Permitted and conditionally permitted facilities.**

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

**Table 17.101H.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
<b>Residential Facilities</b>							
One-Family Dwelling	—	—	—	—	—	—	
One-Family Dwelling with Secondary Unit	—	—	—	—	—	—	17.103.080
Two-Family Dwelling	P	P	—	C	—	—	
Multifamily Dwelling	P	P	—	C	—	—	
Rooming House	—	—	—	—	—	—	
Mobile Home	—	—	—	—	—	—	
<b>Nonresidential Facilities</b>							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	C(L1)	P	P	C(L1)	P	P	
Sidewalk Cafe	P	P	P	P	C	C	17.103.090
Drive-In	—	C	C	—	—	—	

OAKLAND

Drive-Through	—	C(L2)	C(L2)	—	—	—	17.103.100
<b>Telecommunications Facilities</b>							
Micro Telecommunications	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	17.128
Mini Telecommunications	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	P(L3)	17.128
Macro Telecommunications	C	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	—	—	17.128
<b>Sign Facilities</b>							
Residential Signs	P	P	—	P	—	—	17.104
Special Signs	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	—	17.104

**Limitations on Table 17.101H.02:**

**L1.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events. ~~are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).~~

**L2.** No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than three hundred (300) feet of a lot line adjacent to the Hegenberger Road or Oakport Street right-of-way; or five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

OAKLAND

**L3.** See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones.

**17.101H.050 Property development standards.**

Zone Specific Standards. Table 17.101H.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified that-zone.

**Table 17.101H.03 Property Development Standards**

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

OAKLAND

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



OAKLAND

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

**Additional Regulations for Table 17.101H.03:**

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

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

5. Exceptions to Height Standards. In D-CO-1, D-CO-2, and D-CO-3, buildings and structures may be allowed to exceed the ~~The~~ maximum by-right height of one hundred fifty nine (159) feet above mean sea level, and ~~or otherwise exceed the~~ maximum applicable Federal Aviation Regulations (FAR) Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan; ~~may only be exceeded~~ in the following situation only:

- a) The proposed structure has been reviewed by the FAA in accordance with FAR Part 77, and the City receives:
  - i) An FAA finding that the structure is “No Hazard To Air Navigation” and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an Alameda County Airport Land Use Commission (ALUC) determination that the proposed structure is consistent with the Oakland International Airport Land Use Compatibility Plan (ALUCP); and
  - ii) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards; and
- b) The additional height has received approval pursuant to the City’s conditional use permit procedure (see Chapter 17.134).

6. Buildings shall have an eighty-five (85) foot maximum height when located within one hundred (100 feet) of any lot line that abuts a lot in a RH, RD, RM, RU, or S-15 Zzone. In addition, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abuts a lot in a RH, RD, RM, or RU Zzone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.101H.03 [Additional Regulation 6], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.101H.03 [Additional Regulation 6]  
\*for illustration purposes only



3. The new parking structure represents no more than a seventy-five percent (75%) increase of existing parking at the site;
4. Auto fee parking at the site is designed to promote a transit oriented district as defined by the general plan;
5. Where feasible, the auto fee parking is located behind and substantially visually obstructed from the principal street(s) by the residential and/or commercial facility or facilities; and
6. The project shall be consistent in all significant respects with the general plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this Subsection 17.101H.100(F), "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the general plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three (3) or more streets, at least two (2) streets shall be designated as principal streets.

#### **17.101H.080 Special regulations for large-scale developments.**

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, or upon the granting of a planned unit development approval pursuant to Chapters 17.140 and 17.142.

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

- A. **Mini-lot Developments.** In Mini-Lot Developments, certain regulations that apply to individual lots in the D-CO Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the D-CO Zones, and certain of the other regulations applying in said zones may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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

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

**17.101H.100 Other zoning provisions.**

The following contains referrals to other regulations that may apply:

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the D-CO Zones.
- B. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-CO Zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the D-CO Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.
- G. Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts in Chapter 17.120 shall apply in the D-CO Zones.

**Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES**

**Sections:**

17.102.010 Title, purpose, and applicability.

17.102.120 Removal of dirt or other minerals—Residential and S-1, S-2, S-3 and OS Zones.

17.102.140 Private stables and corrals.

17.102.160 Adult Entertainment Activities.

17.102.170 Massage Activities.

17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial Zones.

17.102.195 Residentially-Oriented Joint Living and Working Quarters.

17.102.200 Pedestrian bridges constructed over City streets.

17.102.230 Demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity—Nonresidential Zones.

17.102.240 Microwave and satellite dishes over three (3) feet in diameter located in or near Residential Zones.

17.102.270 An additional kitchen for a single dwelling unit.

17.102.300 Dwelling units with five (5) or more bedrooms.

17.102.340 Electroplating Activities in the Industrial Zones.

17.102.350 Tobacco-oriented activities.

17.102.400 Exterior security bars and related devices.

17.102.440 Crematories.

17.102.450 Laundromats.

**17.102.010 Title, purpose, and applicability.**

The provisions of this Chapter and Chapters 17.104 through 17.108 shall be known as the Regulations Applicable to Certain Activities and Facilities. The purpose of these provisions is to set forth certain of the regulations which apply throughout the City or in several zones. These regulations shall apply in the zones and situations specified hereinafter.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 7000)

**17.102.120 Removal of dirt or other minerals—Residential and S-1, S-2, S-3 and OS Zones.**

In all Residential Zones and in the S-1, S-2, S-3 and OS Zones, no grading or excavation shall involve the removal of any soil, rock, sand, or other material for purposes of sale, fill, building, or other construction usage off the premises, unless a conditional use is granted

pursuant to the conditional use permit procedure in Chapter 17.134. However, excavations in any street, alley, or other public place and excavations for foundations, basements, or cellars for the erection of any buildings for which a building permit has been issued shall be exempt from the above restriction.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12078 § 5 (part), 1998; prior planning code § 7013)

**17.102.160 Adult Eentertainment Activities.**

- A. Conditional Use Permit Requirement. Adult Eentertainment Activities are not permitted in any zone except upon the granting of a conditional use permit pursuant to the criteria in Subsection B. of this Section (which supersedes the general criteria in Section 17.134.050) and the conditional use procedure in Chapter 17.134.
- B. Conditional Use Permit Criteria. A conditional use permit for an Aadult Eentertainment Activity shall only be granted upon a determination that all of the following conditions are present notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:
  - 1. The requested use at the proposed location will not adversely affect the use of churches, temples or synagogues; public, parochial or private elementary, junior high or high schools; public parks and recreation centers; public or parochial playgrounds; residences; child care facilities; elderly Residential Care facilities; hospitals; medical clinics; colleges; or libraries, all within a five hundred (500) foot radius by engendering sounds, activities, visual depictions or advertisements that create an exterior atmosphere which unreasonably interferes with the operations of such surrounding uses.
- C. Location.
  - 1. No Aadult Eentertainment Activity shall be located within, nor closer than one thousand (1,000) feet to, the boundary of any Residential Zone.
  - 2. No Aadult Eentertainment Activity shall be closer than three hundred (300) feet to any other Aadult Eentertainment Activity except that this restriction shall not apply to any Aadult Eentertainment Activity in an establishment devoted exclusively and on a full-time basis to such activity, which establishment was in existence on December 21, 1976 and operating under a valid City regulatory permit, where such a permit is required.
- D. Discontinuance of Nonconforming Activities. See Section 17.114.090.

**17.102.180 Restriction on vertical location of activities in buildings containing both Residential and Nonresidential Activities—Commercial Zones.**

In all Commercial Zones, no Commercial or Industrial Activity shall be conducted within any building above any story thereof occupied wholly or partly by Residential Activities, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, this requirement shall not apply to Nonresidential Activities within HBX, CIX, or D-CE Work/Live Facilities.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12772 § 1 (part), 2006; prior planning code § 7019)

**17.102.195 Residentially-Oriented Joint Living and Working Quarters.****C. Conditions for Conversion.**

2. New floor area may be created that is entirely within the existing building envelope; however, in no case shall the height, footprint, wall area, or other aspect of the exterior of the building proposed for conversion be expanded to accommodate Residentially-Oriented Joint Living and Working Quarters, except for dormers not exceeding the existing roof height and occupying no more than ten percent (10%) of the roof area, and incremental appurtenances such as elevator shafts, skylights, rooftop gardens, or other facilities listed in Section 17.108.130.
3. If a project is located within the S-7 Zone and involves exterior alterations, the design review requirements of that zone shall apply (see Sections 17.84.030 and 17.84.040).
4. In any zone, projects involving exterior alterations shall be subject to the design review procedure in Chapter 17.136.

**17.102.230 Demolition of a facility containing rooming units or to the conversion of a living unit to a Nonresidential Activity—Nonresidential Zzones.**

- A. Conditional Use Permit Requirement. The demolition of a facility containing, or intended to contain, rooming units, or the conversion of a living unit from its present or last previous use by a Permanent Residential Activity, a Semi-Transient Residential Activity, or a Transient Habitation Commercial Activity to its use by a Nonresidential Activity other than Transient Habitation Commercial is only permitted in a Nonresidential Zzone upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. The only exceptions to this requirement are conversions in the HBX Zones, and units in a One-Family or Two-Family Residential Facility. Such permit may be granted only upon determination that the proposed demolition or conversion conforms to the general use permit criteria set forth in the conditional use permit procedure and to at least one of the following additional use permit criteria:
  4. That the conversion will be an integral part of a rehabilitation project involving both Residential and Nonresidential Activities, and that the rehabilitation project would not be economically feasible unless some Nonresidential Activity were permitted within it.
- B. Tenant Assistance. Upon the granting of a conditional use permit for the demolition of a facility containing rooming units or for the conversion of a living unit to a Nonresidential Activity, the actual demolition or conversion cannot take place until the following have occurred:

**17.102.240 Microwave and satellite dishes over three (3) feet in diameter located in or near Residential Zzones.**

The following regulations shall apply to microwave and satellite dishes which are over three (3) feet in diameter, which are located in any Residential Zzone or within one hundred fifty (150) feet from the nearest boundary of any Residential Zzone, as measured perpendicularly from said boundary at any point:

- B. Distance from Lot Line in Certain Cases. No such facility shall be located within ten (10) feet from any abutting residentially zoned lot, or from any street, alley, or path or private way described in Section 17.106.020 directly across which there is a lot in any



Residential Zone, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure.

**17.102.340 Electroplating Aactivities in the Industrial Zones.**

- A. Distance Standards. No Electroplating Activity shall be located nor expanded within one thousand (1,000) feet from the boundary of any other zone except the CIX-2, IG, M-20, M-30, or M-40 Zones, nor from any area designated "Resource Conservation Area" or "Park and Urban Open Space" in the Oakland General Plan.

**17.102.350 Tobacco-oriented activities.**

- A. Conditional Use Permit Requirement for Tobacco-Oriented Activities. Such uses are permitted only upon the granting of a conditional use permit pursuant to Chapter 17.134 and to the following additional use permit criteria:

1. No tobacco-oriented activity shall be located within, nor closer than one thousand (1,000) feet to the boundary of a Residential Zone, school, public library, park or playground, recreation center or licensed daycare facility.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; Ord. 12205 § 4 (part), 2000)

**17.102.440 Crematories.**

- A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Crematorium/Extensive Impact Civic Activity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following use permit criteria:

1. Any proposed new or expanded crematorium must submit a Health Risk Assessment that shows that there is no significant health risk to the surrounding community.

**17.102.450 Laundromats.**

The following regulations shall apply in all zones to laundromats:

- A. Conditional Use Permit Required. All new or expanded uses-laundromats shall be required to obtain a Conditional Use Permit as specified in Chapter 17.134.

**Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS**

**Sections:**

Article I - Residential Activities

Article II - Civic Activities

Article III - Commercial Activities

Article IV - Industrial Activities

Article V - Agricultural and Extractive Activities

Article VI - Residential Facilities

Article VIII - Nonresidential Facilities

Article IX - Sign Facilities

Article X - Telecommunications Facilities

**Article I Residential Activities**

17.103.010 Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing, and~~ Emergency Shelter Residential Activities.

17.103.015 Standards Applicable to Emergency Shelters Permitted "By-Right".

**17.103.010 Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing, and~~ Emergency Shelter Residential Activities.**

- A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing, or~~ Emergency Shelter Residential Activity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:
2. That if located in a ~~R~~residential ~~Z~~zone, the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area;
  3. That if located in a ~~R~~residential ~~Z~~zone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generated by the surrounding Residential Activities;
  4. That if located in a ~~R~~residential ~~Z~~zone, arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties;

- B. Restriction on Overconcentration of Resident Care, ~~Service-Enriched Permanent Housing, Transitional Housing,~~ and Emergency Shelter Residential Activities. No Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing,~~ or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.

**17.103.015 Standards applicable to Emergency Shelters permitted “by-right”.**

- B. Where permitted by-right, Emergency Shelters shall comply with the development standards of the underlying zone and be in accordance with the following additional criteria:
  1. **Compliance with required licenses, permits, and approvals.** An Emergency Shelter shall obtain and maintain in good standing required licenses, permits, and approvals from city, county and state agencies or departments and demonstrate compliance with applicable Building and Fire Codes. An Emergency Shelter Residential Facility shall comply with all county and state health and safety requirements for food, medical and other supportive services provided on-site.
  2. **Number of beds.** A maximum of number of one hundred (100) beds or persons are permitted to be served nightly by the facility.

**Article II Civic Activities**

17.103.020 Special Health Care Civic Activities.

~~17.103.025 Crematories.~~

**17.103.020 Special Health Care Civic Activities.**

- A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Special Health Care Civic Activities may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following use permit criteria:
  2. That each Special Health Care Civic activity be a minimum of five hundred (500) feet from the following activities:
    - a. Schools K—12;
    - ~~b. Licensed Transitional Housing~~
    - ~~c. Licensed Service-Enriched Housing~~
    - bd. Licensed Emergency Shelters.
  3. That each Special Health Care Civic Activity meets the following Performance Standards and that these performance standards be included as standard conditions of approval. These performance standards may be amended or expanded by the Planning Commission as they are applied to individual locations and projects:
    - k. Prior to issuance of building permits or commencement of use, applicant shall submit a needle retrieval plan for all Special Health Care Civic Activities that provide needle exchange services on site. The plan shall, at a minimum, detail the

protocol for the exchange of clean needles for dirty needles and for retrieving used needles within three hundred (300) feet of the site on a regular basis.

**~~17.103.025 - Crematories.~~**

~~Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Crematorium and an Extensive Impact Civic Activity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following use permit criterion:~~

- ~~A. Any proposed new or expanded crematorium must submit a Health Risk Assessment that shows that there is no significant health risk to the surrounding community.~~

**Article III Commercial Activities**

17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.

17.103.040 Check Cashier and Check Cashing Commercial Activities.

17.103.050 Transient Habitation Commercial Activities.

**17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.**

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

- e. If the activity is in conjunction with the on-sale and/or off-sale of alcoholic beverages at an alcoholic beverage manufacturer:

- i. For the purposes of this Chapter only, an “alcoholic beverage manufacturer” means a Custom or Light Manufacturing Industrial Activity producing alcoholic beverages as a principal activity, with a State of California Department of Alcoholic Beverage Control (ABC) license type that includes, but is not limited to, a Type 02 (Winegrower) or Type 23 (Small Beer Manufacturer). The ABC license type shall not consist solely of a bar or liquor store license type, such as a Type 48, 20, or 21. The on-sale and/or off-sale of alcoholic beverages at such an alcoholic beverage manufacturer are excluded from the definition of Alcoholic Beverage Sales Commercial Activities, as specified in Section 17.10.300.
- ii. The sale of alcoholic beverages at an alcoholic beverage manufacturer is only permitted upon the granting of a Minor Conditional Use Permit (CUP), regardless of whether such Custom or Light Manufacturing Industrial Activity is otherwise allowed by right in the underlying zone (see Chapter 17.134 for the CUP procedure).

2. Sale of alcoholic beverages in conjunction with a Full Service Restaurant Commercial Activity and located within any of the following restricted street areas applied to a depth of two hundred (200) feet on each side of the identified streets and portions of streets,

as measured perpendicularly from the right-of-way line thereof: International Boulevard; Foothill Boulevard; MacArthur Boulevard and West MacArthur Boulevard; that portion of San Pablo Avenue lying between Interstate Highway 4-980 and 4-580; that portion of Edes Avenue lying between Clara Street and Bergedo Drive, shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

#### **17.103.040 Check Cashier and Check Cashing Commercial Activities.**

- A. Additional Use Permit Criteria. A conditional use permit for any conditionally permitted Check Cashier and Check Cashing Commercial Aactivity may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations. and to all of the following performance standards:
1. That each Check Cashier and Check Cashing Commercial Aactivity be located not less than one thousand (1,000) feet from the nearest Check Cashier and Check Cashing Commercial Aactivity within the City of Oakland.
  2. That each Check Cashier and Check Cashing Commercial Aactivity be a minimum of five hundred (500) feet from the following Aactivities, which on the date of an application for Check Cashier and Check Cashing Commercial Aactivity had a vested right under California law to operate:
    - a. Community Education Ceivic Aactivities;
    - b. State or federally chartered bank, savings association, credit union, or industrial loan company;
    - c. Community Aassembly Ceivic Aactivities;
    - d. Recreational Aassembly Ceivic Aactivities; or
    - e. Alcoholic Beverage Sales Commercial Aactivities, excluding Full Service Restaurants and Alcoholic Beverage Sales Commercial Aactivities with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more. (Note that this precludes combining Check Cashier and Check Cashing Commercial Aactivity with Alcoholic Beverage Sales Commercial Aactivities because Alcoholic Beverage Sales Commercial Aactivities are always considered a primary activity and therefore subject to this distance standard).
  3. That each Check Cashier and Check Cashing Commercial Aactivity meets the following performance standards and that these performance standards are included as standard conditions of approval. These performance standards may be amended or expanded by Staff and/or the Planning Commission as they are applied to individual locations and projects:

#### **17.103.050 Transient Habitation Commercial Activities.**

- A. A Conditional Use Permit for any Transient Habitation Commercial Activity may only be granted upon determination that the proposal conforms to the general use permit criteria (see Section 17.134.050) and to all of the following additional use permit criteria:

3. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:
  - d. The majority of the parking is located either to the side or rear of the site, or where appropriate, within a structured parking facility that is consistent, compatible and integrated into the overall development;
  - f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level, and appropriate attention to detail;

### Article VI Residential Facilities

#### 17.103.080 One-Family Dwelling with Secondary Unit Residential Facilities.

#### 17.103.080 One-Family Dwelling with Secondary Unit Residential Facilities.

- A. **Development Standards.** 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:
  1. **Other Uses on Property.** A Secondary Unit shall only be permitted on a lot that contains ~~only one (1) 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.
  2. **Sale of Unit.** A Secondary Unit shall not be sold separately from the primary dwelling unit on the same lot.
  3. **Owner Occupancy.** The legal owner shall occupy either the primary dwelling unit or the Secondary Unit as their permanent residence. 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.
  4. **Maximum Permitted Floor Area.** The floor area of a Secondary Unit shall not exceed seven hundred fifty (750) ~~nine hundred (900)~~ square feet or seventy-five percent (75%) ~~fifty percent (50%)~~ of the floor area of the primary dwelling unit, 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 unit.
  5. **Required Parking.** Except as specified in Subsection a. below for Secondary Units that are located on sites within one-half (½) mile of a Bay Area Rapid Transit (BART) Station, Bus Rapid Transit (BRT) Station, Rapid Transit line, or Major Transit Stop, the minimum parking requirements for a Secondary Unit shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. Tandem parking may be permitted according to the regulations in Section 17.116.240.
    - a. Secondary Units that are located on sites within one-half (½) mile of a BART Station, BRT Station, Rapid Transit line, or Major Transit Stop, shall have no additional parking requirement. For the purposes of this Chapter, a "Major Transit Stop" is defined consistent with California Public Resources Code Section 21064.3.

as may be amended; and means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.

**6. Setbacks.** Except as specified in Subsection 7. below for the conversion of existing detached accessory structures, the minimum setback requirements shall be as prescribed in the applicable individual zone regulations; or as prescribed for a detached Secondary Unit located within a minimum Yard or Court in Subsection U. of Section 17.108.130 and the first paragraph of Section 17.108.130.

**7. Conversion of an Existing Detached Accessory Structure.** A detached accessory structure legally in existence prior to the effective date of this amended Code Section and located outside of the front yard setback, may be converted into a Secondary Unit, regardless of the normally required prohibition on residential living quarters within a detached accessory structure located in a minimum Yard or Court in Subsection K. of Section 17.108.130, or any existing nonconformity as to side setback, rear setback, or height, as long as:

a. The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable zoning regulations, including but not limited to, all provisions in this Section;

b. The floor area of the resulting Secondary Unit does not exceed the maximum allowed in this Section; and

c. The minimum parking requirement can be met on site.

**8. 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.

**96. 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.

**107. 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-four (24) feet. The minimum pavement width limitation may be reduced to a minimum of twenty (20) feet, upon the granting of a conditional use permit, pursuant to the criteria in Subsection B. of this Section, and the conditional use permit procedure in Chapter 17.134.

**118. Public Sanitary Sewer.** A Secondary Unit may be permitted only if it is served by a public sanitary sewer.

**129. Architectural Compatibility.** The Secondary Unit shall be clearly subordinate to the primary dwelling unit in size and location. Also, the ~~architectural design and exterior materials of a Secondary Unit shall match or be visually compatible with that of the primary dwelling unit, including the architectural style, siding material, roof shape~~

and/or pitch, roofing material, trim material and design, and window types, ~~window trim, and window sill detail.~~

**1340. 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.

**1444. Review Procedure.** An application for a Secondary Unit of up to five hundred (500) square feet shall be granted ministerial approval as specified in Section 17.136.025 upon confirmation of compliance with all applicable zoning regulations, including but not limited to, all provisions in this Section. The five hundred (500) square-foot floor area threshold for a Secondary Unit may only be exceeded, up to a maximum size of seven hundred fifty (750) nine hundred (900) square feet or seventy-five percent (75%) fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, upon the granting of Ssmall project design review, pursuant to the Ssmall project design review procedure in Section 17.136.030.

**B. Use Permit Criteria for Secondary Units Accessed Via Narrow Streets.** A conditional use permit for a Secondary Unit accessed from the nearest arterial street via a street with a minimum pavement width of between twenty (20) and twenty-four (24) feet may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the general use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. That there is adequate emergency access to the lot as determined by the Fire Marshall;
2. That the portions of the street that have a pavement width of less than twenty-four (24) feet are not located on a dead-end street;
3. That if on-street parking is permitted on portions of the street that have a pavement width of less than twenty-four (24) feet, that there exist a level and hard surface shoulders with a combined additional width of at least eight (8) feet;
4. That if on-street parking is prohibited on portions of the street that have a pavement width of less than twenty-four (24) feet, that the restricted parking areas are clearly marked with official City installed no-parking signs and/or red curbs. pursuant to the provisions of the Oakland Traffic Code (Title 10 of the Oakland Municipal Code).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

## **Article VIII Nonresidential Facilities**

17.103.090 Sidewalk Cafe Nonresidential Facilities.

### **17.103.090 Sidewalk Cafe Nonresidential Facilities.**

A. Procedures for Construction of Sidewalk Cafe Facilities.

1. Notwithstanding any design review requirement of the particular zone, Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or will



OAKLAND

not have any permanent structures in the public right-of-way, are allowed by right subject to the standards required in Subsection B. of this Section.

2. Sidewalk Cafes that have more than five (5) tables/fifteen (15) chairs and/or have a permanent structure in the public right-of-way are subject to Ssmall project design review in Section 17.136.030.

B. Standards for Sidewalk Cafes.

1. Sidewalk Cafes shall not encroach upon any public right-of-way unless a minimum of five and one-half (5½) feet of unobstructed improved sidewalk remains available for pedestrian purposes. The minimum distance shall be measured from the portion of the Sidewalk Cafe encroachment which is nearest to any obstruction within the sidewalk area. For purposes of the minimum clear path, parking meters, traffic signs, trees and all similar obstacles shall constitute obstruction.
2. Operators/owners of Sidewalk Cafes shall obtain an encroachment permit from the City's Public Works Agency, Building Services Division, and shall comply with all requirements imposed by other affected departments. The encroachment permit shall include language that a waste receptacle be placed outside, all garbage/litter associated with Sidewalk Cafes must be removed within twenty-four (24) hours, and a requirement to obtain liability insurance. The City shall be named as an additional insured and the amount of the insurance shall be determined by the City's Risk Manager.

**Chapter 17.104 GENERAL LIMITATIONS ON SIGNS**

**Sections:**

- 17.104.010 General limitations on Signs in Residential Zzones, except the RU-4 and RU-5 Zones, and in Open Space (OS) Zones.
- 17.104.020 General limitations on Ssigns—RU-4 and RU-5 Zzones, and all Commercial and Industrial Zzones.
- 17.104.030 General limitations on Ssigns—S-1, S-2, S-3, D-CO-1, and S-15 Zzones.
- 17.104.040 Limitations on Signs within one thousand (1,000) feet of rapid transit routes.
- 17.104.050 Amortization of Advertising Signs in Residential Zzones.
- 17.104.060 General Limitations on Advertising Signs.
- 17.104.070 Master Sign Programs.

**17.104.010 General limitations on Signs in Residential Zzones, except the RU-4 and RU-5 Zones, and in Open Space (OS) Zones.**

**17.104.020 General limitations on Ssigns—RU-4 and RU-5 Zzones, and all Commercial and Industrial Zzones.**

The following limitations shall apply to the specified Signs in the RU-4 and RU-5 Zones and all Commercial and Industrial Zzones, and except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations and development control maps:

- A. Design Review. No Business, Civic, or Residential Ssign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- B. Permitted Aggregate Sign Area.
  - 1. In the RU-4 and RU-5 Zones and all Commercial Zzones, the maximum aggregate area of display surface of all Business, Civic, and Residential Ssigns on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below and to the Ssmall project design review procedure in Chapter 17.136.
  - 2. In all Industrial Zzones, the maximum aggregate area of display surface of all Business, Civic and Residential Ssigns on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed three hundred (300) square feet

on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below.

3. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:

- a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the Ssmall project design review procedure in Chapter 17.136;:-

C. Maximum Height.

2. Freestanding Signs. The maximum height of any freestanding sign in the CC, M-20, M-30, M-40, CIX, IG, IO, D-CE, D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 Zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 Zones and all other Commercial and Industrial Zzones is ten (10) feet.

D. Limitations on Signs within Required Minimum Yards.

1. No business, realty, or development sign shall be located within a required minimum yard.

E. Special Limitations Near Boundaries of Residential Zones, Except the RU-4 and RU-5 Zones. The following special limitations shall apply to the indicated Ssigns within the specified distances from any boundary of a Residential Zzone, except the RU-4 and RU-5 Zones. For the purposes of this Subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.

1. Within twenty-five (25) feet from any boundary of a Residential Zzone, except the RU-4 and RU-5 Zones, no business sign shall face said boundary if it is visible therefrom.

F. Development Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial Zzones, the maximum aggregate area of display surface of all Development Ssigns on any one lot shall be either seventy-five (75) square feet or one (1) square foot for each two (2) feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

G. Realty Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial Zzones, the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one (1) square foot for each two (2) feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

3. Placement of Signs.

- a. Signs are allowed on private property only. Signs shall not ~~be~~ placed in public rights-of-way or at off-site locations.
  - b. Signs must be affixed to a permanent structure.
- 4. Temporary Ssigns shall not be illuminated.
  - 5. Durable Materials Required. Signs shall be constructed of durable, rigid material suitable to the location and purpose. Only interior window Ssigns may be made of nonrigid (e.g. paper) material.
  - 6. Removal of Signs. Temporary Ssigns and their components shall be promptly removed at the expiration of the time limits set forth above.

**17.104.030 General limitations on Ssigns—S-1, S-2, S-3, D-CO-1, and S-15 Zzones.**

The following limitations shall apply to the specified Ssigns in the S-1, S-2, S-3, D-CO-1, and S-15 Zones, and are in addition to the limitations, if any, prescribed for Ssigns in the applicable individual zone regulations or development control maps:

- A. Design Review. No Bbusiness, Ccivic, or Rresidential Ssign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- B. Permitted Aggregate Sign Area. S-1, S-2, S-3, D-CO-1, and S-15 Zones. The maximum aggregate area of display surface of all Bbusiness, Ccivic, and Rresidential Ssigns on any one lot shall be one (1) square foot for each one foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.1. below.
  - 1. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:
    - a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the Ssmall project design review procedure in Chapter 17.136.
    - b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.
- D. Special Limitations Near Boundaries of Residential Zones, except the RU-4 and RU-5 Zones. Signs shall be subject to the same special limitations along or near boundaries of Residential Zzones, except the RU-4 and RU-5 Zones, as are set forth in Subsection 17.104.020.E.
- E. Special, Development, and Realty Signs. All Sspecial, Ddevelopment, and Rrealty Ssigns shall be subject to the same limitations as are set forth in Subsections C., D. and F. of Section 17.104.010 for such Ssigns in Residential Zzones, except the RU-4 and RU-5 Zones.

- F. Signs within One Thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

**17.104.050 Amortization of Advertising Signs in Residential Zzones.**

- A. Removal Criteria. In accordance with California Business and Professions Code Section 5412.1, those Advertising Signs meeting all of the following criteria shall be removed within the time periods set forth below without compensation:

**17.104.060 General Limitations on Advertising Signs.**

Notwithstanding any provisions to the contrary contained within the Planning Code, Aadvertising Ssigns are not permitted in Oakland except: (1) as otherwise provided for in this Code, or (2) pursuant to a franchise agreement or relocation agreement authorized by the Oakland City Council, which expressly allows Aadvertising Ssigns and then only under the terms and conditions of such agreements.

(Ord. 12425 § 2, 2002)

**17.104.070 Master Sign Programs.**

- A. Submittal Requirements. In all Commercial and Industrial Zzones, as well as the RU-4, RU-5, S-1, S-2, S-3, and S-15 Zones, any Commercial, Industrial, or mixed use building or complex containing two (2) or more tenant spaces on site may apply for a Master Sign Program which specifies the overall design, configuration, and permitted sizes of Ssigns for that building or complex. Applications for a Master Sign Program shall identify, at a minimum, the permitted sign sizes, materials, colors, placement, construction, method of lighting, and other related sign requirements for the applicable Commercial, Industrial, or mixed use building or complex. Drawings shall indicate the exterior surface details of all buildings on the site; the typical sign locations, designs, colors, and faces; and the methods of sign construction, installation, and lighting.

**Chapter 17.106 GENERAL LOT, DENSITY, AND AREA REGULATIONS****Sections:**

17.106.010 Lot area and width exceptions.

17.106.020 Exceptions to street frontage requirement.

17.106.030 Maximum density and  $F_{\text{floor-Area}}$   $R_{\text{ratio}}$  on lots containing both Residential and Nonresidential Facilities.

17.106.040 Use permit criteria for increased density or  $F_{\text{floor-Area}}$   $R_{\text{ratio}}$  for high-rise Residential Facilities.

17.106.050 Use permit criteria for increased density or  $F_{\text{floor-Area}}$   $R_{\text{ratio}}$  with acquisition of abutting development rights.

17.106.060 Increased number of living units in senior citizen housing.

**17.106.010 Lot area and width exceptions.**

The minimum lot area and lot width requirements prescribed in the applicable individual zone regulations shall be subject to the following exceptions:

- A. Existing Substandard Parcel. Any existing substandard parcel of contiguous land may be developed as a lot if such parcel existed lawfully under the previous zoning controls.
- B. Division of Parcel with Existing Buildings. Where a parcel contains two (2) or more existing principal buildings which were lawfully established, said parcel may be divided into two (2) or more lots which do not have the minimum lot area, minimum lot width, and minimum frontage, yards, open space, and parking requirements otherwise applying to the divided lots may be waived or modified upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. Each resulting lot shall accommodate at least one existing principal building and each lot shall have frontage on a street. A conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria in Chapter 17.134 and to the following special criteria:
  - 1. That all principal structures existed lawfully under the previous zoning controls, and are habitable or in sound condition;
  - 2. That the proposal will not result in a lot which is so small, so shaped, or so situated that it would be impractical for subsequent permitted uses;
  - 3. That the proposal will maintain the existing amount of usable open space and off-street parking spaces for any Residential Facilities involved.

**17.106.020 Exceptions to street frontage requirement.**

Notwithstanding the requirements prescribed in the applicable individual zone regulations with respect to minimum frontage upon a street, a lot which does not meet such requirements may be created and/or developed in each of the following situations:

- B. If it is served by a private access easement approved pursuant to the real estate subdivision regulations and subject to the provisions of Section 17.102.090;

- C. If it consists of a parcel of contiguous land which existed lawfully under the previous zoning controls;
- E. With the exception of Subsections B. and C. of this Section, nothing in this Section shall exempt parcels in the S-11 Zone from any street frontage requirement.

(Ord. 12872 § 4 (part), 2008; prior planning code § 7051)

**17.106.030 Maximum density and ~~F~~floor-~~A~~area ~~R~~ratio on lots containing both Residential and Nonresidential Facilities.**

The maximum density and Floor-Area Ratio (FAR) requirements prescribed in the applicable individual zone regulations shall be subject to the following methods for calculating the portion of lot area used in computing density:

- A. Portion of Lot Area Used in Computing Density in the Central Business District and Jack London District. For mixed use projects in the Central Business District and Jack London district, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density. (The Central Business District is that area identified as part of the Land Use and Transportation Element Land Use Diagram of the General Plan. The Jack London district is that area identified as part of the Estuary Policy Plan and adopted as part of the General Plan).
- B. Portion of Lot Area Used in Computing Density in Areas other than the Central Business District and Jack London District. For mixed use projects located in areas other than the Central Business District and Jack London district, in which a maximum Floor Area Ratio (FAR) is generally prescribed for Nonresidential Facilities, no portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through such ~~FAR, Floor Area Ratio,~~ the maximum amount of floor area for any Nonresidential Facility on the same lot, unless the total ~~N~~onresidential floor area on the lot is less than three thousand (3,000) square feet.
- C. Different Floor-Area Ratios. In all zones in which the maximum Floor-Area Ratio (FAR) generally prescribed for Residential Facilities is different from that for Nonresidential Facilities, the overall maximum ~~FAR Floor-Area Ratio~~ of any lot containing both Residential and Nonresidential Facilities shall be the greater of the two prescribed ~~FARs, Floor-Area Ratios.~~ However, the total floor area actually devoted to each class of facility shall not exceed the maximum ratio prescribed for that class.

**17.106.040 Use permit criteria for increased density or ~~F~~floor-~~A~~area ~~R~~ratio for high-rise Residential Facilities.**

A conditional use permit for an increase in the number of living units or ~~F~~floor-~~A~~area ~~R~~ratio (FAR) for a Residential Facility with more than four (4) stories containing living units, wherever such increase is provided for in the applicable individual zone regulations, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

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- A. That openness of development, limitation of site coverage, and the design of the facilities effectively compensate for the potential effect of the added structural bulk upon adjoining properties and the surrounding area;
- B. That the shape and siting of the facilities are such as to minimize blocking of views or sunlight from adjoining lots or from other Residential Facilities in the surrounding area;
- C. That usable open space is provided substantially in excess of the amount otherwise required.

(Ord. 12872 § 4 (part), 2008; prior planning code § 7057)

**17.106.050 Use permit criteria for increased density or Floor-Area Ratio with acquisition of abutting development rights.**

A conditional use permit for an increase in the number of living units or Floor-Area Ratio (FAR) upon acquisition of nearby development rights, wherever such increase is provided for in the applicable individual zone regulations, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That the applicant has acquired development rights from the owners of abutting lots, restricting the number of living units or the amount of floor area which may be developed thereon; so long as the facilities proposed by the applicant are in existence;
- B. That the owners of all such abutting lots shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;
- C. That the resultant reduction in potential number of living units or amount of floor area on the abutting lots is sufficient in amount and is so located as to cause the net effect upon the surrounding neighborhood to be substantially equivalent to that of the development which would be allowable otherwise.



## **Chapter 17.107 DENSITY BONUS AND INCENTIVE PROCEDURE**

### **Sections:**

17.107.010 Title, purpose, and applicability.

17.107.020 Definitions.

17.107.050 Land Donation.

17.107.060 Child Care Facilities.

17.107.070 Condominium Conversions

17.107.080 Density incentives or concessions.

17.107.120 Parking ratio reductions mandated by California Government Code

### **17.107.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Density Bonus and Incentive Procedure Regulations. The purpose of these provisions is to encourage the construction of affordable housing, senior housing, the provision of child care facilities, and other incentives and concessions, following California Government Code, Sections 65915-65918 (formerly known as the "density bonus").

The Density Bonus and Incentive Procedure is intended to comply with provisions of the California Government Code Section 65915-65918 (inclusive), which provides that a local government shall grant a density bonus and concessions, or financially equivalent incentive(s), to a developer of a housing development constructing a specified percentage of housing for low income households, very low income households, senior citizens, or providing child care facilities. This procedure shall apply to all proposals, citywide, to create five (5) or more living units in which the developer is requesting the density bonus. Any provision in California Government Code Section 65915-65918 (inclusive), but not included in this Chapter is considered by the City of Oakland to be valid and applicable.

### **17.107.020 Definitions.**

**C. Child Care Facility**, for the purposes of this Chapter only, the following definitions in California Government Code Sections 65915 (h) (4) and 65917.5 (a) (1) shall apply:

"Child care facility,"(65915 (h) (4)) as used in this Section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.

"Child care facility" (65917.5 (a) (1)) means a facility installed, operated, and maintained under this Section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

**K. Residential Housing Development** shall mean, for the purposes of this Chapter, a project involving the construction of five (5) or more residential dwelling units, excluding any units permitted by the density bonus awarded pursuant to this Chapter. Further, a "housing

development” is as defined in California Government Code Section 65915(i). (Ord. 12501 § 74, 2003; Ord. 12331 § 2 (part), 2001)

#### 17.107.050 Land Donation

A. **Eligibility.** A project involving a land donation to the City shall be eligible for the increased Density Bonus described in this Section if all of the following conditions are met:

#### 17.107.060 Child Care Facilities

C. **Commercial or industrial development.** California Government Code (Section 65917.5) permits a Density Bonus when a child care facility is installed, operated and maintained in a commercial or industrial project, over the otherwise maximum allowable density permitted under the applicable Zoning ordinance and land use element of the Oakland General Plan. The bonus shall be calculated as follows:

For purposes of calculating the density bonus under this Section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

D. Notwithstanding any requirement of this Section, the City shall not be required to provide a Density Bonus or concession for a Child Care Facility if it finds, based upon substantial evidence, that the community has adequate child care facilities. Further, the provisions of California Government Code Section 65917.5 (Subsections c-e) shall apply in Oakland.

#### 17.107.070 Condominium Conversions

A. Residential Development Project involving the conversion of existing apartments into condominiums, pursuant to Title 16 Oakland Subdivision Regulations, that includes at least thirty-three percent (33%) of its total units restricted to moderate income households for thirty (30) years, or fifteen percent (15%) of its total units affordable to Lower Income households for thirty (30) years, and agrees to pay for the administrative costs incurred by the City related to process the application and monitor the future status of the Affordable Housing Units, the City shall either:

(i) grant a Density Bonus, increasing the number of residential units by twenty-five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion; or

(ii) provide other incentives of equivalent financial value to be determined by the City. For purposes of this Section, "other incentives of equivalent financial value" shall not be construed to require the City of Oakland to provide cash transfer payments or other monetary compensation, but may include the reduction, or waiver, of requirements which the City might otherwise apply as conditions of conversion approval.

B. An applicant for approval to convert apartments to a condominium project may submit to the City a preliminary proposal (“Pre-Application”) pursuant to this Section prior to the submittal of any formal requests for subdivision map approvals. The City shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this Section.

**17.107.080 Density Incentives or Concessions**

A density incentive or concession is a benefit offered by the city that results in direct cost reductions and facilitates construction of eligible projects as defined by the provisions of this Chapter and shall mean any of the following:

A. The reduction in development standards in order to allow utilization of a density bonus, including but not limited to:

1. Required off-street parking;
2. Required setbacks;
3. Maximum building height;
4. Required open space;
5. Maximum Floor-Area Ratio (FAR);
6. Minimum lot area;
7. Minimum courtyards.

**17.107.120 Parking ratio reductions mandated by California Government Code**

A. Per California Government Code, upon the request of the developer, no city shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the category criteria in Section 17.107.040(A) that exceeds the following ratios:

1. Zero to one bedroom: **one (1) onsite parking space.**
2. Two to three bedrooms: **two (2) onsite parking spaces.**
3. Four and more bedrooms: **two and one-half (2½) parking spaces.**

C. This provision shall apply to a development that meets the requirements of Section 17.107.040, but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in Section 17.107.120, pursuant to Section 17.107.080.

**Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS**

**Sections:**

- 17.108.010 Height restrictions on lots abutting property in an RH, RD, or RM Zone.
- 17.108.030 Allowed projections above height limits.
- 17.108.080 Minimum side yard opposite living room windows.
- 17.108.130 Exceptions to required openness of minimum yards and courts.
- 17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.
- 17.108.150 Retaining walls.

**17.108.010 Height restrictions on lots abutting property in an RH, RD, or RM Zone.**

In the RU, R-80, S-1, S-2, S-3, and S-15 Zones and all Commercial and Industrial Zones, the following regulations shall apply to every lot therein which abuts any lot located in an RH, RD, or RM Zone:

**17.108.030 Allowed projections above height limits.**

The height restrictions prescribed for facilities in the applicable individual zone regulations and development control maps and in Sections 17.108.010 and 17.108.020 may be exceeded in accordance with the following table. However, facilities within required minimum yards and courts shall also be subject to the applicable provisions of Section 17.108.130.

Facilities Allowed Above the Prescribed Height	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot
H. Microwave and satellite dishes which are over three (3) feet in diameter and located in any <u>R</u> esidential <u>Z</u> one or within one hundred fifty (150) feet from the nearest boundary of any <u>R</u> esidential <u>Z</u> one, subject where applicable to the provisions of Section 17.102.240.	Ten (10) percent, minus any percentage covered pursuant to Subsection A. or B. of this Section.	Seven (7) feet, except upon the granting of a conditional use permit.	Ten (10) feet, except upon the granting of a conditional use permit.

OAKLAND

Facilities Allowed Above the Prescribed Height	Restrictions on Facility, or Portion Thereof, Above the Prescribed Height		
	Maximum Aggregate Coverage of the Building's Horizontal Area (If on a Building)	Maximum Vertical Projection Above the Prescribed Height	Minimum Horizontal Distance from any Abutting Residentially Zoned Lot
I. Radio and television masts antennas, other than micro-wave and satellite dishes.	No restriction.	Fifteen (15) feet, except upon the granting of a conditional use permit.	Five (5) feet, except upon the granting of conditional use permit.
J. Trees; flagpoles; weather vanes; microwave and satellite dishes which are <u>three (3) feet</u> <del>one (1) meter</del> or less in diameter; and utility poles and lines.	No restriction.	No restriction.	No restriction.

Any conditional use permit under Subsection H. of this Section shall be subject to the same use permit criteria as are prescribed in Section 17.102.240.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13112, § 4(Exh. A), 4-30-2012; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. 12376 § 3 (part), 2001: prior planning code § 7075)

**17.108.080 Minimum side yard opposite living room windows.**

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

**17.108.130 Exceptions to required openness of minimum yards and courts.**

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table. Furthermore, in no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees, which extend more than six (6) feet above the level at which the rear yard is required. Wherever a yard is required only for a particular facility, it may be provided at the level of the lowest story containing such facility; provided that where such facility is a Residential Facility, such level shall be that of the lowest story, or portion thereof, containing any living unit. Where the height of facilities within minimum yards or courts is not specifically further limited by the following table, the facilities shall conform to the regular height restrictions, if any, applicable to facilities where they are located. Facilities within minimum yards and courts shall also be subject to any applicable exceptions allowed for Secondary Units in Section 17.103.080, and screening requirements or other controls prescribed by the buffering regulations in Chapter 17.110 or by the pertinent development control maps or individual zone regulations, which in some zones require that minimum front yards, or side yards on the street side of a corner lot, be landscaped.

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court

OAKLAND

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
H. Open storage of boats, trailers, appliances, miscellaneous equipment, and similar materials, including areas for temporary storage of waste or used materials. (See also Subsection I., and O.M.C. Subsection 8.24.020.F.)			Anywhere in above yard, provided that in all <u>C</u> ommercial and <u>I</u> ndustrial <u>Z</u> ones, the height of such storage shall not exceed five and one-half (5½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in above yard, provided that in all <u>C</u> ommercial and <u>I</u> ndustrial <u>Z</u> ones, the height of such storage shall not exceed five and one-half (5½) feet within a horizontal distance of ten (10) feet from any abutting residentially zoned lot.	Anywhere in court.

OAKLAND

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
K. Detached garages and sheds; detached or attached carports, parking podiums and other detached or attached accessory structures not provided for elsewhere by this Section; and portions of principal Nonresidential Facilities not provided for elsewhere nearby.		<p>Anywhere in above yards, provided that:</p> <ol style="list-style-type: none"> <li>1. The facility is within thirty-five (35) feet of the rear lot line; and</li> <li>2. The wall height of the facility does not exceed nine (9) feet in height to the top of the plate above finished grade and the roof height, for roofs with a maximum 8 in 12 slope, does not exceed twelve (12) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues; and</li> <li>3. The facility itself does not contain any residential living quarters, <del>except that in the West Oakland Specific Plan area, a Secondary Unit may be allowed in such a facility if it meets all requirements set forth in Section 17.103.080;</del> and</li> <li>4. No building or portion thereof within the minimum yard is itself used for any commercial or manufacturing repair or production operations, unless it has no exterior openings there other than emergency exits or fixed windows or skylights or it involves an approved home occupation in the West Oakland Specific Plan Area as specified in Section 17.112.060 or an approved home occupation in the D-CE Central Estuary District zones as specified in Chapter 17.101E; and</li> <li>5. The affected side yard, if any, is not one required by Section 17.102.240, <del>or 17.28.150.C.1.</del></li> </ol> <p>But on any reversed corner lot which abuts a key lot in any <u>R</u>esidential <u>Z</u>one, detached accessory buildings shall also be subject to the provisions stated in Subsection 17.110.040.C.</p>			
M. Unroofed parking and loading areas.	In any yard or court, except that in all <u>R</u> esidential <u>Z</u> ones and in the S-1, S-2, and S-3 Zones, no unroofed parking space which is located on any lot containing three (3) or more parking spaces, and no unroofed loading berth, shall be located within five (5) feet of the edge of pavement of any street or alley.				
N. Covered, underground or partially excavated structures, including, but not limited to, garages, fallout shelters, wine cellars, and basements.	<p>In any yard or court, provided that:</p> <ol style="list-style-type: none"> <li>1. The surfaces of such facilities are landscaped or developed as patios or terraces; and</li> <li>2. Such facilities do not extend more than thirty (30) inches above finished grade.</li> </ol> <p>However, these provisions shall not apply if the facilities would otherwise qualify, in the same yard, under Subsection K.</p>				



OAKLAND

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
<u>U. Detached Secondary Units.</u>		<p>Anywhere in above yards, provided that:</p> <p><u>1. The facility is within thirty-five (35) feet of the rear lot line, and is not located closer than four (4) feet from the side or rear lot line; and</u></p> <p><u>2. The wall height of the facility within four (4) feet of the side or rear lot line does not exceed ten (10) feet in height to the top of the plate above finished grade. In areas greater than four (4) feet from the side or rear lot line, the wall height of the facility may only extend above ten (10) feet the extent necessary to allow gable ends, dormers, sheds, or similar roof elements (any shed roof slopes down toward the closest lot line; if equal distant to nearby lot lines, the shed roof slopes down toward the lot line facing the longest façade); and</u></p> <p><u>3. The roof height, for roofs with a maximum 8 in 12 slope, does not exceed fourteen (14) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues.</u></p>			

**17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.**

B. Residential Zzones and Residential Facilities. The provisions of this Section apply to all properties located in all Rresidential Zzones, and to all properties located in any zone containing Residential Facilities.

1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following:

a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty-two (42) inches, except that six (6) feet is permitted in the following cases:

C. Commercial Zzones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones. The provisions of this Subsection apply to all properties located in all Commercial Zzones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones.

1. Height.

a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a Rresidential Zzone shall

not exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of Ssmall project design review pursuant to the Ssmall project design review procedure in Chapter 17.136.

- b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.

D. Industrial Zones. The provisions of this Subsection apply to all properties in all Industrial Zones. ~~zoning districts.~~

1. Height.

- a. The maximum height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located within a Residential Zone shall be eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of Ssmall project design review pursuant to the Ssmall project design review procedure in Chapter 17.136.

**17.108.150 Retaining walls.**

- C. Retaining walls visible from the street or adjacent lots shall be surfaced with a decorative material, treatment or finish, such as stained or stuccoed concrete, decorative concrete block, wood, stone or masonry, or other decorative material, treatment or finish approved by the Director of City Planning. For purposes of this Section, "visible from the street or adjacent lots" refers to any portion of a wall that is not located behind buildings, other permanent structures, or existing grade in such a manner as to visually screen the wall from adjacent lots, and from the street, alley, or private way providing access to the subject lot.

**Chapter 17.110 BUFFERING REGULATIONS****Sections:**

17.110.010 Title, purpose, and applicability.

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zzones.

17.110.030 General buffering requirements —Commercial and Industrial Zzones.

17.110.040 Special buffering requirements.

**17.110.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Buffering Regulations. The purpose of these regulations is to prescribe screening requirements and other controls designed to ensure an orderly relationship between neighboring developments, to enable diverse kinds of uses to be located near one another compatibly, and to improve the appearance of individual properties, neighborhoods, and the city. These regulations shall apply to the specified uses in the zones and situations indicated hereinafter.

(Prior planning code § 7100)

**17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zzones.**

The following regulations shall apply in all Residential Zzones and in the S-1, S-2, S-3, S-15, D-CO-1, and OS Zzones, and are in addition to the provisions set forth in Section 17.110.040:

**17.110.030 General buffering requirements —Commercial and Industrial Zzones.**

The following regulations shall apply in all Commercial and Industrial Zzones, and are in addition to the provisions set forth in Section 17.110.040:

- A. Screening Along Entire Lot Line Abutting Residential Zone If Lot in Commercial or Industrial Zone Is Occupied by Commercial, Industrial, or Agricultural or Extractive Activities. Wherever any lot which is located in any Commercial or Industrial Zzone and which is occupied by Commercial, Industrial, or Agricultural or Extractive Activities abuts a lot located in any Residential Zzone, it shall be screened from the residentially zoned lot, along the entire abutting lot line except where a driveway or 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 (5½) high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
- B. Screening of Open Parking, Loading, and Storage Areas. All open off-street parking areas located on any lot containing three (3) or more independent parking spaces, and all open off-street loading, storage, sales, display, service, and processing areas on any lot, shall be:

3. Screened from any lot abutting the side or rear property lines located in any Rresidential Zzone, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.
- C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See Subsections H and K of Section 17.108.130.
- D. Control on Artificial Illumination in Certain Situations. All artificial illumination which is readily visible from any of the Residential Facilities or residentially zoned lots referred to in Subsection B of this Section shall be directed away from said facilities and lots so as to eliminate objectionable glare.

#### 17.110.040 Special buffering requirements.

- A. Open Storage Areas on Same Lot as Residential Facility—Screening Required Within Three (3) Years. In all zones, on any lot which contains both a Residential Facility and any area devoted to open storage or display of goods or materials, said open storage or display area shall be screened from all abutting lots, 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 (5½) feet high and not less than three (3) feet wide, or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Existing open storage and display areas on such lots shall either be removed or provided with the above prescribed screening within three years after the effective date of the zoning regulations.
- B. Screening of Open Parking, Loading, and Storage Areas in the CN, CR-1, M-20, D-CE-3, D-CO-1, and S-15 Zzones. In the CN, CR-1, M-20, D-CE-3, D-CO-1, and S-15 Zzones, open parking, loading, and storage areas shall be subject to the same screening and setback requirements as are set forth in Subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.
- C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. In all zones, on any reversed corner lot which abuts a key lot located in any Rresidential Zzone, no detached accessory building shall be located within five (5) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer to the street line on which the key lot fronts than a distance equal to the minimum front yard depth required on the key lot, unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.

**Chapter 17.112 HOME OCCUPATION REGULATIONS**

**Sections:**

17.112.010 Title, purpose, and applicability.

17.112.030 Exclusions.

17.112.050 Required approval.

**17.112.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the home occupation regulations. The purpose of these regulations is to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to Residential Activities. Except as otherwise specified in Section 17.101E.100 for the D-CE-3 Central Estuary District Zone, these regulations shall apply to all activities of a nonresidential nature which are incidental to Residential Activities when such ~~N~~onresidential ~~A~~activities would not be allowed if they were not incidental to Residential Activities. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area and Section 17.101E.100 for home occupation regulations specific to the D-CE-3 Central Estuary District Zone.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Prior planning code § 7300)

**17.112.030 Exclusions.**

The following activities shall not in any case qualify as home occupations:

- D. Operation of a beauty parlor with more than two (2) hair-drying machines;

**17.112.050 Required approval.**

No home occupation shall be permitted unless the Director of City Planning certifies that it will conform to the home occupation regulations. The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the ~~A~~administrative ~~A~~appeal ~~P~~procedure in Chapter 17.132.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; prior planning code § 7304)

**Chapter 17.114 NONCONFORMING USES**

**Sections:**

Article I - General Provisions

Article II - Nonconforming Activities

Article III - Nonconforming Facilities

**Article I General Provisions**

17.114.010 Title, purpose, and applicability.

17.114.020 Definitions.

17.114.040 Right to continue nonconforming use, subject to limitations.

**17.114.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Nonconforming Use Regulations. The purpose of these regulations is to control, ameliorate, or terminate uses which do not conform to the zoning regulations. These regulations shall apply to all nonconforming uses.

(Prior planning code § 7400)

**17.114.020 Definitions.**

As used in this Chapter:

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

**17.114.040 Right to continue nonconforming use, subject to limitations.**

**B. Limitation on Right to Continue Nonconforming Auto and Truck-Related Activities in All Districts.** As used in regards to all such nonconforming Auto and Truck-Related Activities, the word "activity" refers solely to the unique function or operation occurring on the affected property, and does not refer to any other activity within an activity type with which that activity is grouped. Any right to substitute, extend or alter an existing auto or truck-related activity refers solely to the specific existing function or operation, and does not provide any right to substitute, extend or alter that activity with any other type of activity within the activity type with which the activity is grouped.

**Article II Nonconforming Activities**

17.114.050 Nonconforming Aactivity—Discontinuance.

17.114.060 Nonconforming Aactivity—Damage or destruction.

17.114.070 Nonconforming Aactivity—Allowed substitutions and other changes in activity.

17.114.080 Nonconforming Aactivity—Allowed alterations and extensions.

17.114.090 Nonconforming Massage Service and Aadult Entertainment Aactivities—  
Discontinuance required within one year.

17.114.100 Nonconforming Scrap Operation Commercial Aactivities—Discontinuance  
required within one year.

**17.114.050 Nonconforming Aactivity—Discontinuance.**

D. Whenever a nonconforming Trucking and Truck-Related Industrial Activity or Recycling and Waste-Related Industrial Activity in the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones discontinues active operation for more than ninety (90) days, it may only be resumed upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. However, if another activity has replaced it, the former activity may thereafter only be resumed if and only if such resumption would constitute an allowable change under Subsection 17.114.070.A. Section 17.114.060 shall also apply.

**17.114.060 Nonconforming Aactivity—Damage or destruction.**

A. **Nonconforming Nonresidential Activities.** Facilities accommodating or serving a any nonconforming Nonresidential Aactivity which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter only be restored to accommodate or serve the prior nonconforming activity upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

B. **Nonconforming Residential Activities.** Facilities accommodating or serving a nonconforming Residential Aactivity which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter only be restored to accommodate or serve the prior nonconforming Residential Aactivity provided all of the following conditions are met:

**17.114.070 Nonconforming Aactivity—Allowed substitutions and other changes in activity.**

A. **Activity Nonconforming Because It Is Not a Permitted Activity.** The activities specified in the following table may be substituted for any of the indicated activities which is nonconforming wholly or partly because it is not itself a permitted activity where it is located:

OAKLAND

Zone	Prior Nonconforming Activity	Activity Which May be Substituted for Prior Activity, Subject to the Provisions Listed Below This Table
Any Residential <u>Z</u> zone or S-1, S-2, or S-3 <u>Z</u> zone.	Any such Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Activity permitted in the CN-4 <u>Z</u> zone.
	The following such Commercial Activities where they are not a permitted or conditionally permitted activity:	
		Any Activity permitted in the CC-2 <u>Z</u> zone.
	Personal Instruction and Improvement <u>S</u> ervices and Small Scale Entertainment	(see below)
		Any Commercial Activity permitted in the CN-4 <u>Z</u> zone.
	Any other Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 <u>Z</u> zone.
Any Commercial <u>Z</u> zone.	Any Industrial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 <u>Z</u> zone.
Any Industrial <u>Z</u> zone.	Any such Commercial Activity where it is not a permitted or conditionally permitted activity.	Any Commercial Activity permitted in the CC-2 <u>Z</u> zone.

Changes that do not constitute substitutions may be made in any activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located. The above substitutions and other changes may be made without regard for requirements on off-street parking and loading, conduct of activities within enclosed buildings, means of customer access, and total floor area which normally apply to activities, except as otherwise provided in Section 17.116.020C. However:

2. Conversions of dwelling units to use by a Nonresidential Activity shall be subject, where applicable, to the provisions of Section 17.102.230
3. If the nonconforming activity is located at ground level on any lot in the CN-1 or CN-2 Zzone, no change shall be made in the nature of the particular activity, except when the result is itself permitted in the same location, unless a conditional use permit is granted pursuant to the conditional use permit procedure. This does not restrict a change in ownership, tenancy, or management where the previous line of business or other function is not changed.
4. For any nonconforming Alcoholic Beverage Sales Commercial Activity presently located in any zone in which it is not a permitted activity, no change shall be made in the activity which change requires obtaining a different type of alcoholic beverage sale



retail license from the state of California Department of Alcoholic Beverage Control. Further, no change shall be made in any nonconforming activity involving the sale of alcoholic beverages at a full service restaurant in any location described by Section 17.103.030.B.2, which change requires obtaining a different type of alcoholic beverage sale retail license from the state of California Department of Alcoholic Beverage Control, unless a conditional use permit is granted pursuant to the conditional use permit procedure in Chapter 17.134.

5. No substitution or other change shall be made in any nonconforming activity which would conflict, or further conflict, with any applicable provision of the performance standards in Chapter 17.120, or of any kind of requirement not mentioned hereinabove which applies to activities.

If the activity resulting from a change allowed above is not a normally permitted and otherwise conforming activity, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed a nonconforming activity and changes in it shall be subject to this Ssection.

- B. **Activity Nonconforming for Other Reasons.** Except as otherwise provided in Sections 17.114.050 and 17.114.060, an activity which is itself permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure, an activity which is itself conditionally permitted may be substituted for any activity which is itself a permitted activity where it is located and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to activities. Changes other than substitutions may also be made in such activities. However, no substitution or other change shall be made which would create any new nonconformity, or increase any existing nonconforming, with respect to said requirements. (Changes which are allowed by Section 17.116.020\_B shall not be deemed to conflict or further conflict with the parking or loading requirements.) If the activity resulting from the change does not meet such requirements, and is not authorized by a conditional use permit or other special zoning approval, it shall be deemed nonconforming and changes in it shall be subject to this Ssubsection.

#### 17.114.080 Nonconforming Aactivity—Allowed alterations and extensions.

- A. **Nonresidential Activity Nonconforming Because It Is Not a Permitted Activity.** Except as otherwise provided in Section 17.114.060, a Nonresidential Aactivity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the requirements normally applying to uses where the activity is located and subject to the following provisions and exceptions:
  1. Except as otherwise provided in Ssubsection (A)(3) of this Ssection, the floor area and overall outside dimensions of any building, or portion thereof, devoted to such activity shall not be increased; no open parking, loading, sales, display, service, production, or storage area accommodating or serving such activity shall be relocated or increased in size; and no such building or open area shall be wholly reconstructed. However, in the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the total floor area, open areas, or outside building dimensions occupied by the establishment may be increased as long as the amount of space actually devoted to the sale of alcoholic beverages is not increased by more than twenty percent (20%) of that already existing. See Tables 17.15.01 (L4), 17.17.01 (L4), and 17.19.01 (L7) for restrictions to this allowable expansion in the RD, RM, and RU Zzones.

OAKLAND

2. In the case of an establishment classified as an Alcoholic Beverage Sales Commercial Activity, the percentage of actual floor area devoted to the sale of alcoholic beverages shall not be increased by more than twenty percent (20%) of that already existing, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
  3. New, wholly reconstructed, enlarged, or relocated structures or open areas devoted to off-street parking or loading serving such activity may be provided wherever Automotive Fee Parking Commercial Activities are permitted or, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, wherever Automotive Fee Parking Commercial Activities are conditionally permitted. In Residential Zones, such facilities for off-street parking may be provided in the situations, and subject to the conditions, prescribed in Section 17.116.075.
  5. During any five-year period, beginning on or after the effective date of the zoning regulations or of any subsequent rezoning or other amendment thereto which makes such activity thus nonconforming, the aggregate cost of all alterations for which a building or sign permit is required, and which are intended for any activity subject to this Subsection, shall not exceed twenty-five percent (25%) of the replacement cost, as estimated by the Building Services Department, of the facilities accommodating or serving such activity at the beginning of said period. However, the cost of alterations ordered by any governmental agency or permitted by Section 17.114.060 shall be exempt from said maximum cost.
  7. A nonconforming Automobile and Other Light Vehicle Gas Station and Servicing or Automotive and Other Light Vehicle Repair and Cleaning Commercial Activity in the HBX-1 Zone may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the Regular design review procedure in Chapter 17.136. This conditional use permit and design review approval may be granted only upon determination that the proposal is adequately buffered from the street and surrounding Residential Activities through landscaping and fencing.
- B. Residential Activity Nonconforming Because It Is Not a Permitted Activity.** Except as otherwise provided in Section 17.114.060, a Residential Activity which is nonconforming wholly or partly because it is not itself a permitted activity where it is located may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, subject to the following provisions:
2. The amount of added or wholly reconstructed floor area devoted to such activity shall not exceed in the aggregate twenty percent (20%) of that already existing on the affected lot. If a new or wholly reconstructed floor area is developed, usable open space shall be provided for all living units on the lot in the amount required in the RU-2 Zone.
  3. Existing usable open space shall not be reduced below, or if already less than shall not be reduced further below, the usable open space requirements applying in the RU-2 Zone.
  4. All alterations and other changes shall conform to, or not further conflict with, the minimum yard and court and maximum height requirements and the limitations on Signs generally applying in the RM-3 Zone, as well as to the requirements generally applying to uses where the activity is actually located.
- C. Activity Nonconforming for Other Reasons.** Except as otherwise provided in Section 17.114.060, any activity which is itself a permitted activity where it is located and which is

nonconforming only as to off-street parking or loading requirements, performance standards, or other requirements applying to activities may be extended, and the facilities accommodating or serving such activity may be altered or otherwise changed, in any way which does not result in a greater degree of nonconformity with respect to such requirements and which conforms to the requirements normally applying to uses where the activity is located.

**17.114.090 Nonconforming Massage Service and Aadult Entertainment Aactivities—Discontinuance required within one year.**

Within one (1) year after the effective dates of Sections 17.102.160, 17.102.170 and 17.148.050, all previously legal but now nonconforming Aadult Entertainment and Massage Service Aactivities shall be discontinued or shall be brought into full conformance with said sections except that such activities may continue for up to an additional two (2) years upon the granting of a conditional use permit, pursuant to Section 17.102.160B and the conditional use permit procedure in Chapter 17.134, and upon a determination that the activity is obligated under a written lease at the nonconforming location which exceeds one (1) year from the effective dates of Sections 17.102.160, 17.102.170 and 17.148.050 or that the activity has incurred such an investment of money in leasehold or other improvements such that a longer period is necessary to prevent undue financial hardship.

**17.114.100 Nonconforming Scrap Operation Commercial Aactivities—Discontinuance required within one year.**

Within one (1) year after the effective date of this Section or of any subsequent rezoning which makes an existing Scrap Operation Commercial Activity a nonconforming activity, all nonconforming Scrap Operation Commercial Activities located within a Residential Zone or within one hundred (100) feet of a Residential Zone and which wholly or partially occupy an open facility shall be discontinued or may continue only upon the granting of a conditional use permit, pursuant to the conditional use permit procedure in Chapter 17.134; provided, however, that if the proposal does not conform to the use permit criteria at Section 17.134.050, but as an alternative a finding is made that the activity involves investment of money in leasehold or improvements such that a longer period is necessary to prevent undue financial hardship, then a conditional use permit shall be granted for a period not to exceed two (2) additional years.

**Article III Nonconforming Facilities**

17.114.110 Nonconforming Facility—Allowed alterations.

17.114.120 Nonconforming Facility—Damage or destruction.

17.114.140 Nonconforming open storage in the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 Zones—Screening required within three (3) years.

17.114.150 Nonconforming Sign within 1,000 feet of, and primarily viewable from, rapid transit route—Removal required for certain categories.

17.114.170 Nonconforming Signs in CN-1 Zone—Removal required.

17.114.180 Nonconforming Signs in CR-1 Zone—Removal required for certain categories.

**17.114.110 Nonconforming Facility—Allowed alterations.**

- A. **When Occupied by Conforming Activity.** Except as otherwise provided in Section 17.114.120, a nonconforming facility which accommodates or serves a conforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, in any way which does not create any new nonconformity or increase the degree of any existing nonconformity with respect to any requirement applying to facilities. Any new, relocated, or wholly reconstructed part of a facility shall itself conform to all applicable such requirements. Nonconforming Residential Facilities containing a total of more than one living unit on a lot, when located in a zone where only one living unit is permitted on a lot, shall be subject to the requirements generally applying in the RU-2 Zone with respect to side yards opposite living room windows; courts; and usable open space. Nonconforming Nonresidential Facilities which are not themselves permitted facility types in the zone where they are located shall not be increased in floor area or overall outside dimensions; relocated, except to remove a nonconformity; or wholly reconstructed.
- B. **When Occupied by Nonconforming Activity.** Except as otherwise provided in Section 17.114.120, a nonconforming facility which accommodates or serves a nonconforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, subject to the conditions of Section 17.114.080 as well as those of Subsection A of this Section. In such a case, new Signs of a type not otherwise permitted may be developed as authorized by Subsections A and B of Section 17.114.080
- C. **Conversion from Advertising Sign in the CN, CR-1, or S-15 Zones.** No nonconforming Advertising Sign in the CN, CR-1, or S-15 Zones shall be converted, by change of copy or otherwise, to any other type of Sign unless the entire Sign as converted meets all the requirements of said zone for a new Sign, including design review approval.

**17.114.120 Nonconforming Facility—Damage or destruction.**

- A. **Nonconforming Nonresidential Facilities.** Nonconforming nonresidential facilities which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition and occupancy. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter ~~only~~ be restored to their prior condition upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- B. **Nonconforming Residential Facilities.** Nonconforming Residential Facilities which are damaged or destroyed to the extent of not more than seventy-five percent (75%) may be restored to their prior condition. If such damage or destruction exceeds seventy-five percent (75%), the facilities may thereafter be restored to their prior condition provided all of the following conditions are met:

**17.114.140 Nonconforming open storage in the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 Zones—Screening required within three (3) years.**

In the CN, CR-1, CIX-1A, CIX-1B, CIX-1C, CIX-1D, and M-20 Zones, all open storage areas shall, within three (3) years after inclusion in said zones, be either removed or made to conform to the screening requirements of Section 17.110.040.B.

**17.114.150 Nonconforming Sign within 1,000 feet of, and primarily viewable from, rapid transit route—Removal required for certain categories.**

- A. **Basic Requirements.** Within the indicated time periods, and except as otherwise provided in Subsection B<sub>2</sub> of this Section, all nonconforming Signs in the following categories which are located within one thousand (1,000) feet of the centerline of a rapid transit route shall be removed, relocated, or otherwise changed so as to conform:
- B. **Exception.** Any Sign listed in Subsection A<sub>2</sub> of this Section may be retained permanently if it is approved pursuant to the design review procedures in Chapter 17.136 and the provisions of Section 17.104.040<sub>A</sub>.

**17.114.170 Nonconforming Signs in CN-1 Zzone—Removal required.**

- A. **Basic Requirements.** Within the time periods indicated below for the specified categories, and except as otherwise provided in Subsection B<sub>2</sub> of this Section, all nonconforming Signs shall be removed, relocated, or otherwise changed so as to conform. See also Section 17.114.110<sub>C</sub>.

Category	Time Period
Any pennants, streamers, propellers, and similar devices.	One (1) year after inclusion in the CN-1 <u>Z</u> zone.
Any other Sign which is nonconforming with respect to any provision of Section 17.148.110	Three (3) years after inclusion in the CN-1 <u>Z</u> zone.

The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

**17.114.180 Nonconforming Signs in CR-1 Zzone—Removal required for certain categories.**

Within three (3) years after inclusion in the CR-1 Zzone, all nonconforming pennants, streamers, propellers, and similar devices shall be removed, relocated, or otherwise changed so as to conform.

**Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS****Sections:**

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III - Off-Street Loading Requirements

Article IV - Standards for Required Parking and Loading Facilities

**Article I General Provisions**

17.116.010 Title, purpose, and applicability.

17.116.020 Effect on new and existing uses.

**17.116.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Off-street Parking and Loading Requirements. The purpose of these regulations is to require adequate off-street parking and loading, thereby reducing traffic congestion, allowing more efficient utilization of on-street parking, promoting more efficient loading operations, and reducing the use of public streets for loading purposes. Except as may otherwise be specified in Chapter 17.101E for the D-CE Zones, these requirements shall apply to the indicated activities as specified hereinafter. See Chapter 17.101E Central Estuary District Zones Regulations for parking regulations specific to Boat and Marine--Related Sales, Rental, Repair and Servicing for the D-CE Central Estuary District Zones.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Prior planning code § 7500)

**17.116.020 Effect on new and existing uses.**

(See illustrations I-19a, b.)

- A. **New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities.** Except as otherwise provided in Sections 17.114.030 and Chapter 17.138, new off-street parking and loading as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for such activities, except to the extent that existing parking or loading exceeds such requirements for any existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date; provided, however, that for an activity occupying a facility existing on said effective date, new parking shall be required for said increase to the extent that the total of such existing facility and the added facilities exceeds any minimum size hereafter prescribed for which any parking is required for such activity.

- B. **New Parking to Be Provided for New Living Units in Existing Facilities.** Except as provided in Sections 17.116.110(D)(3) for the conversion of historic buildings in the D-BV and D-LM Zzones, if any facility, or portion thereof, which is in existence on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for an activity therein, is altered or changed in occupancy so as to result in an increase in the number of residential living units therein, new off-street parking as prescribed hereafter shall be provided for the added units. However, such new parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new parking need not be provided to the extent that existing parking exceeds the latter requirement. Other alterations and substitutions or other changes in activities may be made in any facility or portion thereof existing on said date without regard for the parking and loading requirements prescribed hereafter, and new parking and loading shall not be required therefor, except as otherwise provided in Subsection A of this Section with respect to additions and in Subsection C of this Section.
- D. **Parking to be Provided for Existing Residential Facilities.** When a conditional use permit is required by Section 17.102.300 for the alteration of, or addition to, an existing Residential Facility in order to create a total of five (5) or more bedrooms in any dwelling unit, the off-street parking requirement of Section 17.102.300.C shall apply to the entire facility, including the existing facility and any alteration or addition.

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

## Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.070 Off-street parking—Civic Activities.

17.116.080 Off-street parking—Commercial Activities.

17.116.082 Off-street parking in the D-BV Zones—Commercial Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

17.116.110 Special exemptions to parking requirements.

### 17.116.060 Off-street parking—Residential Activities.

- A. **Permanent and Semi-Transient Residential Activities.** Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter:

OAKLAND

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	RH and RD <u>Z</u> zones, except when combined with the S-12 <u>Z</u> zone.	Two (2) spaces for each dwelling unit; however, <u>when combined with <del>in</del> the S-11 <u>Z</u>zone</u> , the requirement shall be one (1) space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1 <u>Z</u> zone, except when combined with the S-12 <u>Z</u> zone.	One and one-half (1½) spaces for each dwelling unit.
	<u>RM-2 <u>Z</u>zone, except when combined with the S-12 <u>Z</u>zone.</u>	<p>a) One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width; <u>or</u></p> <p>b) <u>One (1) space for each dwelling unit, regardless of lot size or width, when lot is located in the West Oakland District only, as specified in Table 17.17.03, Note 17; or except when combined with the S-12 zone.</u></p> <p>c) One and one-half (1½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when <u>located in the West Oakland District (see Requirement b. above).</u> <del>combined with the S-12 zone.</del></p>
	CBD-P <u>Z</u> zone (when combined with the S-7 <u>Z</u> zone), except when combined with the S-12 <u>Z</u> zone.	No spaces required.
	S-15 <u>Z</u> zones, except when combined with the S-12 <u>Z</u> zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 <u>Z</u> zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 <u>Z</u> zone.	See Section 17.94.040.
One-Family Dwelling with Secondary Unit.	RH, RD, RM-1, and RM-2 <u>Z</u> zones, except when combined with the S-12 <u>Z</u> zone.	One (1) space for the <u>S</u> secondary <u>U</u> nit unless the lot is <u>located within one-half (½) mile of a Bay Area Rapid Transit (BART) Station, Bus Rapid Transit (BRT) station, Rapid Transit line, or Major Transit Stop, or</u> already contains a total of at least three (3) spaces; however, <u>when combined with <del>in</del> the S-11 <u>Z</u>zone</u> , the requirement shall be one (1) space for each bedroom in any <u>S</u> secondary <u>U</u> nit, up to a maximum requirement of two (2) spaces per <u>S</u> secondary <u>U</u> nit. See Section 17.103.080.



OAKLAND

Residential Facility Type	Zone	Requirement
	D-LM Zones, <u>except when combined with the S-12 Zone.</u>	No additional space required for the <u>Secondary Unit.</u>
	All other zones, except when combined with the S-12 Zone.	One (1) space for the <u>Secondary Unit</u> unless the lot <u>is located within one-half (½) mile of a BART Station, BRT Station, Rapid Transit line, or Major Transit Stop, or</u> already contains a total of at least two (2) spaces; however, <u>when combined with the S-11 Zone,</u> the requirement shall be one (1) space for each bedroom in any <u>Secondary Unit</u> , up to a maximum requirement of two (2) spaces per <u>Secondary Unit</u> . See Section 17.103.080.
	<u>Any zone, except when combined with the S-11 or S-12 Zone, if located within one-half (½) mile of a BART Station, BRT Station, Rapid Transit line, or Major Transit Stop.</u>	<u>No additional space required for the Secondary Unit.</u>
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
Two-Family Dwelling. Multifamily Dwelling.	RD-2, RM-1, RM-2 Zones, <u>except when combined with the S-12 Zone.</u>	One and one-half (1½) spaces for each dwelling unit; <u>however, except for the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), where</u> the minimum parking requirement shall be only one (1) space for each dwelling unit.
	CBD-P Zone (when combined with the S-7 zone), <u>except when combined with the S-12 Zone.</u>	No spaces required.
	S-15 and D-CO Zones, <u>except when combined with the S-12 Zone.</u>	One-half (½) space for each dwelling unit.
	D-BV-1 and D-BV-2 Zones, <u>except when combined with the S-12 Zone.</u>	One-half (½) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to, unbundling of parking and allowances for an in-lieu fee.
	D-BV-3, D-BV-4 and D-LM Zones, <u>except when combined with the S-12 Zone.</u>	Three-quarters (¾) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to, unbundling of parking and allowances for an in-lieu fee.

OAKLAND

Residential Facility Type	Zone	Requirement
	Any other zone, except when combined with the S-12 <u>Z</u> zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 <u>Z</u> zone.	See Section 17.94.040.
Rooming House.	CBD-P <u>Z</u> zone (when combined with the S-7 <u>Z</u> zone).	No spaces required.
	D-BV-1, D-BV-2, and D-LM <u>Z</u> zones.	One (1) space for each four (4) rooming units.
	Any other zone.	One (1) space for each two (2) rooming units.
Mobile Home.	CBD-P <u>Z</u> zone (when combined with the S-7 <u>Z</u> zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast	D-LM <u>Z</u> zones.	Required parking for a One-Family dwelling in the underlying zone only.
	Any other zone.	One (1) space for each two (2) units, plus the required parking for a One-Family dwelling in the underlying zone.

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 (1) space for each three (3) employees on site during the shift that has maximum staffing, and one (1) space for each facility vehicle. Where more than three (3) spaces are required for a single housekeeping unit, additional spaces beyond three may be provided in tandem.
<del>Service-Enriched Permanent Housing.</del>	<del>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.</del>
<del>Transitional Housing.</del>	<del>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</del>

OAKLAND

	<del>staffing, plus one space for each facility vehicle.</del>
Emergency Shelter.	One (1) space for each three (3) employees on site during the shift that has maximum staffing, plus one (1) space for each facility vehicle.

**17.116.070 Off-street parking—Civic Activities.**

Except as otherwise provided in Sections 17.44.200, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15 and D-CO <u>Z</u> ones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	—	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P <u>Z</u> one (when combined with the S-7 <u>Z</u> one).	—	No spaces required.
	S-15 and D-CO <u>Z</u> ones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
Private non-profit clubs and lodges.	S-15 and D-CO <u>Z</u> ones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	—	No spaces required.
Churches and all other.	CBD-P <u>Z</u> one (when combined with the S-7 <u>Z</u> one).	—	No spaces required.

OAKLAND

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-45, CBD-P (except when combined with the S-7 <u>Z</u> zone), CBD-C, CBD-X, D-LM and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.
	CN <u>Z</u> zones.	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 and D-CO <u>Z</u> zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	CBD-P, CBD-C, CBD-X, and D-LM <u>Z</u> zones.	-	No spaces required.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
All others.	CBD-P, CBD-C, CBD-X, and D-LM <u>Z</u> zones.	-	No spaces required.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

OAKLAND

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	No minimum.	One (1) space for each three employees.
D. Nonassembly Cultural Administrative.	CBD-P, CBD-C, CBD-X, and D-LM <u>Z</u> zones.	-	No spaces required.
	C-45, and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN <u>Z</u> zones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P <u>Z</u> zone (only when combined with the S-7 <u>Z</u> zone).	-	No spaces required.
	C-45, CBD-P (only if not combined with the S-7 <u>Z</u> zone), CBD-C, CBD-X, D-LM and S-2 <u>Z</u> zones.	No minimum	One (1) space for each staff or regular visiting doctor.
	S-15 and D-CO <u>Z</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four (4) employees other than doctors, plus one space for each staff or regular visiting doctor.
Clinics.	CBD-P <u>Z</u> zone (only when combined with the S-7 <u>Z</u> zone).	-	No spaces required.

OAKLAND

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 <u>Z</u> ones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15, D-CO, and D-LM <u>Z</u> ones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees.
All other.	CBD-P <u>Z</u> one (only when combined with the S-7 <u>Z</u> one).	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 <u>Z</u> one), CBD-C, CBD-X, D-LM and S-2 <u>Z</u> ones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 and D-CO <u>Z</u> ones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each six (6) beds, plus one space for each four (4) employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	CDB-P, CBD-C, CBD-X and D-LM <u>Z</u> ones.	-	No spaces required.
	C-45, and S-2 <u>Z</u> ones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.

OAKLAND

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	S-15 and D-CO <u>Z</u> ones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three (3) employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, CBD-X, and D-LM <u>Z</u> ones.	-	No spaces required.
	S-15 and D-CO <u>Z</u> ones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three (3) employees plus one space for each six (6) students of planned capacity.
All other.	CBD-P <u>Z</u> one (only when combined with the S-7 <u>Z</u> one)	-	No spaces required.
	S-15 and D-CO <u>Z</u> ones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.

**17.116.080 Off-street parking—Commercial Activities.**

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

OAKLAND

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales. Full Service Restaurant. Limited Service Restaurant and Cafe.	<del>C-55, CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15</del> <u>Z</u> zones.	—	No spaces required.
Convenience Market. Alcoholic Beverage Sales.	<del>C-45 and C-51, S-2</del> <u>Z</u> zones.	3,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	<del>C-5, C-10, C-28, C-31, C-35,</del>	<del>3,000 square feet of floor area.</del>	<del>One space for each 300 square feet of floor area.</del>
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet.	One (1) space for each 200 square feet of floor area.
B. Mechanical or Electronic Games. Medical Service.	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> zones.	—	No spaces required
General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.	C-45 and S-2 <u>Z</u> zones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	CN <u>Z</u> zones.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
Consumer Service. Consumer Cleaning and Repair Service, except when services consist primarily of repair or cleaning of large items such as furniture or carpets. General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail. Undertaking Service.	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
C. Consultative and Financial Service. Administrative.	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> zones.	—	No spaces required.



OAKLAND

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Business, Communication and Media Service. Broadcasting and Recording Services. Research Service.	C-45 and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN <u>Z</u> zones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale Sales, whenever less than <del>fifty</del> 50-percent (50%) of all sales on the lot are at retail. Building Material Sales. Automotive Sales and Service. Automobile and Other Light Vehicle Sales and Rental.	S-15 and D-CO-1 <u>Z</u> zones.	—	No spaces required.
	D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 <u>Z</u> zones.	10,000 square feet of floor area.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	C-45, CBD-P, CBD-C, CBD-X, D-LM and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
E. Group Assembly. Personal Instruction and Improvement Services.	CBD-P, CBD-C, CBD-X, D-LM, D-CO-1, and S-15 <u>Z</u> zones.	—	No spaces required.
	D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 <u>Z</u> zones.	10,000 square feet of floor area.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	C-45 and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.

OAKLAND

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	CN <u>Z</u> zones.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), D-LM, DCO-1, and S-15 <u>Z</u> zones.	—	No spaces required.
	D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 <u>Z</u> zones.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040.
	CBD-P, CBD-C, CBD-X, and D-BV <u>Z</u> zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> zones.	—	No spaces required.

OAKLAND

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
furniture or large appliances.	C-45 and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
Consumer Cleaning and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets.  Animal care and Animal boarding.	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
H. Automobile and Other Light Vehicle Gas Station and Servicing.	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> zones.	—	No spaces required.
Automotive and Other Light Vehicle Repair and Cleaning.	C-45 and S-2 <u>Z</u> zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
Automotive Fee Parking.	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing.	CBD-P, CBD-C, CBD-X, D-CO, and D-LM <u>Z</u> zones.	—	No spaces required.
Taxi and Light Fleet-based Service.	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three (3) employees.
J. Scrap Operation.	CBD-P, CBD-C, CBD-X, D-CO, and D-LM <u>Z</u> zones.	—	No spaces required.
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.

OAKLAND

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	CBD-P, CBD-C, CBD-X, D-LM, D-CO, and S-15 <u>Z</u> zones.	—	No spaces required.
	C-45 <u>Z</u> zone.	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	CN and S-2 <u>Z</u> zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	D-BV <u>Z</u> zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

**17.116.082 Off-street parking in the D-BV Zones—Commercial Activities**

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

Location of Commercial Activity	Minimum Total Size for Which Parking Required	Requirement
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OAKLAND

A. Commercial Activities on the ground floor, except for Transient Habitation (see Table 17.116.080).	10,000 square feet of floor area.	One (1) space for each 500 square feet of floor area.
B. Commercial Activities not on the ground floor, except for Transient Habitation (see Table 17.116.080).	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

**17.116.090 Off-street parking—Industrial Activities.**

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C, CBD-X, D-CO, and S-15 zones.	—	No spaces required.
Any other zone.	10,000 square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three (3) employees, whichever requires more spaces.

**17.116.100 Off-street parking—Agricultural and Extractive Activities.**

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

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

Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.
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**17.116.110 Special exemptions to parking requirements.**

The provisions of this Section shall apply to all activities in all or specified zones, except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.040 shall apply.

**A. Discretionary Reduction for Senior Citizen Housing and Dormitories.** In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in Section 17.116.060 may be reduced by not to exceed seventy-five percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to the use permit criteria set forth in Subsections A, B, and C of this Section:

1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;
2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by non-qualifying drivers is assured by appropriate conditions incorporated into the permit;

**B. Discretionary Reduction of Total Requirements with Shared Parking Area.** For a joint off-street parking area which serves two (2) or more Nonresidential Activities in any zone, or Residential Activities in the CN, C-45, or CBD Zones, and which meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities may be reduced by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.

**C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas.** The off-street parking requirements specified above for Nonresidential Activities in any zone, or for Residential Activities in the CN, C-45, or CBD Zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

**D. Each of the following provisions shall apply in the D-BV and D-LM Zzones only:**

1. **In-Lieu Fee.** The parking space requirements of this Section for the D-BV and D-LM Zzones may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
4. **Affordable Housing.** Parking requirements applicable to affordable housing for moderate, low, and very low income households, (as defined in California Government Code Section 50052.5 and in Oakland Planning Code Section 17.107.020), shall be one-quarter (1/4) spaces per dwelling unit. In Subsection 17.116.110(A) of this Chapter, Senior Citizen Housing and Dormitories requirements apply but do not require a Conditional Use Permit and the reduced parking requirement is one-quarter (1/4) spaces per dwelling unit.
5. **Unbundled Parking.** The following rules shall apply to new Multifamily Dwelling Residential Facilities of ten (10) or more units:
  - c. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 days' notice if requested by residents to be made available to them.
6. **No Variances.** Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to: (a) a reduction and/or elimination of any required parking; or (b) a reduction and/or elimination of any parking spaces serving any activity, or if already less than currently required parking, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating such parking.

**Article III Off-Street Loading Requirements**

17.116.120 Off-street loading—Residential Activities.

17.116.130 Off-street loading—Civic Activities.

17.116.140 Off-street loading—Commercial Activities.

17.116.150 Off-street loading—Industrial Activities.

17.116.160 Off-street loading—Agricultural and Extractive Activities.

**17.116.120 Off-street loading—Residential Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for Residential Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

<b>Total Floor Area of Facilities Occupied Requirement</b>	<b>Requirement</b>
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

\*Off-street loading is not required in CBD-P zone when combined with the S-7 zone.

**17.116.130 Off-street loading—Civic Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

<b>Civic Activity and Total Floor Area of Facilities Occupied</b>	<b>Requirement</b>
A. Community Assembly, Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*
Each additional 100,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040
C. All other Civic Activities.	No berths required.

\*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009; prior planning code § 7522)



**17.116.140 Off-street loading—Commercial Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

Commercial Activity and Total Size of Facilities Occupied	Requirement
<b>A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Consumer Cleaning and Repair Service, Group Assembly, Personal Instruction and Improvement Services, and Small Scale Entertainment Business, Communication, and Media Service, Broadcasting and Recording Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive and Other Light Vehicle Repair and Cleaning, Transport and Warehousing, Animal Care, or Animal Boarding occupying facilities with the following floor area:</b>	
Less than 10,000 square feet.	No berths required.*
10,000—24,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
<b>B. Mechanical or Electronic Games, Medical Service, Consumer Service, Consultative and Financial Service, Administrative, or Transient Habitation, occupying facilities with the following floor area:</b>	
Less than 50,000 square feet.	No berths required.*
50,000—149,999 square feet.	One (1) additional berth.*
150,000—299,999 square feet.	<del>Two (2)</del> One (1) berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	<del>Two (2)</del> berths. One (1) additional berth.*
<b>C. Undertaking Service, occupying facilities with the following floor area:</b>	
Less than 2,500 square feet.	No berths required.*
2,500—24,999 square feet.	One (1) berth.
25,000—49,999 square feet.	Two (2) berths.*

OAKLAND

<b>Commercial Activity and Total Size of Facilities Occupied</b>	<b>Requirement</b>
50,000—99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
<b>D. Scrap Operation, occupying facilities with the following amounts of floor area and outdoor storage, processing, or sales area:</b>	
Less than 25,000 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
<b>E. All other Commercial Activities.</b>	No berths required.*

\*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

**17.116.150 Off-street loading—Industrial Activities.**

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this Chapter: (See illustration I-18.)

<b>Total Floor Area of Facilities Occupied</b>	<b>Requirement</b>
Less than 10,000 square feet.	No berths required.*
10,000—24,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 170,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

\*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

**17.116.160 Off-street loading—Agricultural and Extractive Activities.**

Off-street loading is not required in any zone for Agricultural or Extractive Activities.

(Prior planning code § 7525)

**Article IV Standards for Required Parking and Loading Facilities**

- 17.116.170 Property on which parking and loading must be provided.
- 17.116.175 Standards and criteria for accessory parking that serves a prohibited activity.
- 17.116.200 Parking space dimensions.
- 17.116.210 Driveways and maneuvering aisles for parking.
- 17.116.240 Tandem spaces and berths.
- 17.116.250 Maximum backing distance.
- 17.116.270 Screening and setback of parking and loading areas.
- 17.116.280 Control on artificial illumination of parking and loading facilities.
- 17.116.290 Special requirements applying in some zones.
- 17.116.300 Parking accommodation requirements for One- and Two-Family Residential Facilities.

**17.116.170 Property on which parking and loading must be provided.**

A. Parking Spaces and Loading. Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity. <del>Industrial</del>	CN, C-45, <u>CBD</u> , <del>CBD-R, CBD-P, CBD-C, CBD-X, D-CO</del> , and D-LM <u>Z</u> ones.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
	Any other zone.	On the same lot as the activity served, but for One and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):  1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk;

OAKLAND

Required Facility and Activity it Serves	Zone	Location
		<p>2. The parking stalls shall be set back a minimum of five (5) feet from the edge of street pavement including any curbs or sidewalks; and</p> <p>3. The parking stalls extending into the street right-of-way shall not constitute more than fifty percent (50%) of the required residential parking.</p>
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for <u>N</u> onresidential <u>A</u> ctivities in any zone, or for Residential Activities in the D-CO, D-LM, CBD, CN, and C-45 <u>Z</u> ones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in Subsection A of this Section for required spaces or berths serving the same activity, except as follows:

1. A required driveway may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.

**17.116.175 Standards and criteria for accessory parking that serves a prohibited activity.**

The following regulations shall apply to parking serving principal activities which are not themselves permitted, wherever such parking is listed in the applicable individual zone regulations as permitted or conditionally permitted. Approval of a permit for such accessory parking is subject to the conditions set forth in this Section:

B. Conditions in Residential Zones. In all Residential Zones:

1. Such parking shall not in any case be located farther than one hundred fifty (150) feet, excluding the width of any intervening street, from the nearest boundary of any Nonresidential Zone, as measured perpendicularly from said boundary at any point; and
2. Such parking shall not be so located as to extend along any one side of any street farther into any Residential Zone than any residentially zoned lot which is in separate ownership and which has frontage on the same side of the same street as said parking, other than a lot developed only for parking; and

**17.116.200 Parking space dimensions.**

(See illustration I-21.) The provisions of this Section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210. Compact and intermediate parking spaces shall count toward the off-street parking requirements only if located on a lot containing a total of three or more required spaces. On such a lot, up to fifty percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five or more parking spaces are required, up to seventy-five percent (75%) 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.

- A. **Regular Parking Spaces.** A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet (8½) wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. (See Subsection D for exceptions to this two (2) foot requirement). For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.
- B. **Intermediate Parking Spaces.** An intermediate parking space shall be not less than sixteen and one-half (16½) feet long and eight (8) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. See Subsection D for exceptions to this two (2) foot requirement. For parallel parking, an intermediate parking space shall be not less than twenty and one-half (20½) feet long and seven and one-half (7½) feet wide.
- C. **Compact Parking Spaces.** A compact parking space shall be not less than fifteen (15) feet long and seven and one-half (7½) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a compact parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. (See Subsection D for exceptions to this two (2) foot requirement). For parallel parking, a compact parking space shall be not less than nineteen (19) feet long and seven (7) feet wide.

**17.116.210 Driveways and maneuvering aisles for parking.**

Where necessary, maneuvering aisles and driveways shall be provided of such design and arrangement as to provide adequate ingress to and egress from all required parking spaces. (See also Sections 17.94.070, 17.94.080, 17.116.240, 17.116.250, and 17.116.260.) Except within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.080 shall apply, and for shared access facilities, where the provisions of Section 17.102.090 shall apply, an onsite driveway serving any required off-street parking area shall have a minimum width of nine feet. Driveways serving Residential Facilities with one or two

living units on one lot shall be not more than nineteen (19) feet in width with a curb cut no more than nineteen (19) feet in width, and shall be limited to one driveway and one driveway curb cut per lot frontage. Driveways serving one lot or serving any of several adjacent lots under the same ownership shall be separated edge-to-edge by at least twenty-five (25) feet; where curbs exist, the separation shall be by at least twenty-five (25) feet of full vertical curb. Driveways serving adjacent lots under different ownership shall be separated edge-to-edge by at least ten (10) feet; where curbs exist, the separation shall be by at least ten feet of full vertical curb.

- A. Maneuvering Aisle Width. Except for activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.070 shall apply, maneuvering aisles necessary for access into and out of required parking spaces shall have the following minimum widths, whether serving regular, intermediate, or compact parking spaces:

#### 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 (3) or more required off-street parking spaces, or containing required spaces for two (2) 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 (3) or more required parking spaces for a given One-Family Dwelling or One-Family Dwelling with Secondary Unit Residential Facility, dwelling unit, at least fifty percent (50%) 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 Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060.
- C. In any zone, the RH, RD, RM-1, and RM-2 zones, except in the West Oakland Specific Plan Area as indicated in Subsection D or except when combined with the S-11 or S-12 Zones, tandem parking may be permitted for one (1) of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed the maximum allowed in Section 17.103.080. five hundred (500) square feet.
- ~~D. In the West Oakland Specific Plan Area, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed the maximum allowed in Section 17.103.080.~~
- DE. 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 (10) 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.

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

**17.116.250 Maximum backing distance.**

All required off-street parking facilities which are located on any lot containing three (3) or more required parking spaces or containing required spaces for two (2) or more Residential living units, and all required off-street loading facilities on any lot, shall be so designed and located that a vehicle need not back up from any such required parking space or loading berth for a distance greater than one hundred (100) feet in order to reach a street. The one hundred (100) feet shall be measured from the back of the furthest required parking space to the back of the sidewalk or, if there is no sidewalk, to the edge of pavement or face of curb, whichever is applicable.

**17.116.270 Screening and setback of parking and loading areas.**

- A. ~~In all Residential Zones and in the S-1, S-2, S-3, and OS Zones.~~ In all Residential Zones and in the S-1, S-2, S-3 and OS Zones, all open off-street parking areas on any lot containing three (3) or more spaces, and all open off-street loading areas on any lot, shall be screened from abutting lots, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170(B)(2), by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide or by a solid lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said Chapter. All such areas shall be screened from all abutting streets, alleys, and paths, and private streets and other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley, except as allowed by Section 17.116.170

**17.116.280 Control on artificial illumination of parking and loading facilities.**

In all Residential Zones and in the S-1, S-2, S-3, and OS Zones, artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street loading areas on any lot, and of driveways related thereto, 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. In Commercial and Industrial Zones, artificial illumination of off-street parking and loading facilities shall be controlled when and as specified in Section 17.110.030 of the buffering regulations.

**17.116.290 Special requirements applying in some zones.**

- A. Whenever required off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a conditional use permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for required parking and loading.

- B. In the S-15 and D-CO-1 Zzones:
- C. In the RU-4, RU-5, CN, CC, CR, CBD, D-CO-1, or S-15 Zzones, the required number of parking spaces may be reduced by up to fifty percent (50%) upon the granting of a conditional use permit (see Chapter 17.134). The conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and the following additional criteria:
  - 1. The Planning Director has determined that there will not be a significant parking impact on the surrounding neighborhood through a combination of a parking demand management plan, transit availability, and other factors.

**17.116.300 Parking accommodation requirements for One- and Two-Family Residential Facilities.**

The provisions of this Section apply to lots containing One-Family Dwelling, Residential Facilities, ~~One-Family Dwelling Residential Facilities with Secondary Unit, Residential Facilities,~~ and Two-Family Dwelling Residential Facilities. Exceptions to the provisions of this Section may be approved pursuant to the Regular design review procedure in Chapter 17.136.

- A. Required Garage, Carport or Uncovered Parking Location to the Side or Rear of a Residence in Certain Cases. Garages, carports or any uncovered required parking spaces shall be located to the rear or side of any primary Residential Facility and at a minimum of twenty-five (25) feet from the front lot line if:

The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any required garage, carport, or uncovered parking space. Lots with a front lot line width of less than thirty-five (35) feet are exempt from this Subsection if the garage, carport or uncovered parking space dimensions facing the front lot line equal less than fifty (50) percent of the building elevation facing the front lot line.

- B. Garage or Carport Recessed from Front of Residence in Certain Cases. When an attached or detached garage or carport is not subject to Subsection A, of this Section and is located on lots with a street-to-setback gradient of twenty percent (20%) or less and where the face of the primary Residential Facility, including projections at least eight (8) feet in height and five (5) feet in width, such as covered porches and bay windows, is within twenty-five (25) feet of the front lot line, at least one of the following requirements shall apply:
  - 1. The front of the garage or carport shall be set back a minimum of five (5) feet from such face; or
  - 2. If the garage or carport is located below living space, either:
    - a. The front of the garage or carport shall be set back at least eighteen (18) inches from the upper level living space; or
    - b. The garage door shall be recessed at least six (6) inches from the surrounding exterior wall surfaces.



## **Chapter 17.117 BICYCLE PARKING REQUIREMENTS**

### **Sections:**

Article I. - General Provisions

Article II. - Standards for Required Bicycle Parking

Article III. - Minimum Number of Required Bicycle Parking Spaces

### **Article I. General Provisions**

17.117.010 Title, purpose, and applicability.

17.117.040 Determination by Director of City Planning.

#### **17.117.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Bbicycle Pparking Rrequirements. The purpose of these regulations is to require secure and adequate long term and short term parking for bicycles, thereby promoting alternative transportation, providing additional, more sustainable transportation choices for residents and commuters, and reducing traffic congestion and air pollution. Except as may otherwise be specified in Chapter 17.101E for the D-CE Zones, these requirements shall apply to the indicated activities as specified hereinafter. See Chapter 17.101E Central Estuary District Zones Regulations for bicycle parking regulations specific to Boat and Marine--Related Sales, Rental, Repair and Servicing for the D-CE Central Estuary District Zzones.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. 12884 § 2 (part), 2008)

#### **17.117.040 Determination by Director of City Planning.**

In the case of activities for which the Director of City Planning is required to prescribe a number of bicycle parking spaces or for which this Cchapter is not clear or does not prescribe a number of spaces, the Director of City Planning shall base his or her written determination on the number of employees, residents or customers and the nature of operations conducted on the site. Any such written determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

(Ord. 12884 § 2 (part), 2008)

### **Article II. Standards for Required Bicycle Parking**

17.117.070 Location and design of required bicycle parking.

**17.117.070 Location and design of required bicycle parking.**

Required bicycle parking shall be placed on site(s) as set forth below:

D. Bicycle parking facilities are subject to the following standards:

1. Racks shall be located with at least thirty (30) inches in all directions from any vertical obstruction, including but not limited to, other racks, walls, and landscaping. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, and Large-Scale Combined Retail and Grocery Sales Activities are encouraged to locate racks with a thirty-six (36) inch clearance in all directions from any vertical obstruction, including but not limited to, other racks, walls, and landscaping.
  2. A minimum four (4) foot wide aisle of unobstructed space behind all required bicycle parking shall be provided to allow for adequate bicycle maneuvering.
- I. Discretionary Waiver. The long-term bicycle parking location requirement of five hundred (500) feet may be waived in writing by the Director of City Planning when said activities are located within one thousand (1,000) feet of a proposed or existing bike station or similar high-capacity bicycle parking facility. Any determination on such waiver shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

**Article III. Minimum Number of Required Bicycle Parking Spaces**

17.117.090 Required bicycle parking—Residential Aactivities.

17.117.100 Required bicycle parking—Civic Aactivities.

17.117.110 Required bicycle parking—Commercial Aactivities.

17.117.120 Required bicycle parking—Industrial and all other Aactivities.

17.117.130 Required shower and locker facilities.

17.117.150 Automobile parking credit.

**17.117.090 Required bicycle parking—Residential Aactivities.**

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for all Residential Activities and shall be developed and maintained pursuant to the provisions of Article II of this Cchapter:

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Permanent and Semi-Transient Residential Activities occupying the specified facilities:</b>		
1) One-Family Dwelling.	No spaces required.	No spaces required.
2) One-Family Dwelling with	No spaces required.	No spaces required.

OAKLAND

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Secondary Unit.		
3) Two-Family Dwelling.	No spaces required.	No spaces required.
4) Multifamily Dwelling.		
a) With private garage for each unit.	No spaces required.	1 space for each 20 dwelling units. For D-BV <u>Z</u> zones, 1 space for each 15 dwelling units. Minimum citywide requirement is 2 spaces.
b) Without private garage for each unit.	1 space for each 4 dwelling units. For D-BV <u>Z</u> zones, 1 space for each 2 dwelling units. Minimum citywide requirement is 2 spaces.	1 space for each 20 dwelling units. For D-BV <u>Z</u> zones, 1 space for each 15 dwelling units. Minimum citywide requirement is 2 spaces.
c) Senior Housing.	1 space for each 10 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
5) Rooming House.	1 space for each 8 residents. Minimum requirement is 2 spaces.	No spaces required.
6) Mobile Home.	1 per 20 units.	No spaces required.
<b>Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities occupying the specified facilities:</b>		
7) Residential Care.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
<del>8) Service-Enriched Permanent Housing.</del>	<del>1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.</del>	<del>2 spaces.</del>
<del>9) Transitional Housing.</del>	<del>1 space for each 8 residents. Minimum requirement is 2 spaces.</del>	<del>1 space for each 20 dwelling units. Minimum requirement is 2 spaces.</del>
<del>810) Emergency Shelter Residential.</del>	<del>1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.</del>	<del>1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.</del>

**17.117.100 Required bicycle parking—Civic Aactivities.**

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Civic Activities and shall be developed and maintained pursuant to the provisions of Article II of this Cchapter:

**17.117.110 Required bicycle parking—Commercial Activities.**

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activities and shall be developed and maintained pursuant to the provisions of Article II of this Chapter:

Commercial Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Retail</b>		
1. General Food Sales.	1 space for each 12,000 square feet of floor area.	1 space for each 2,000 square feet of floor area. Minimum requirement is 2 spaces.
2. Full Service Restaurant		
3. Limited Service Restaurant and Cafe		
4. Fast-Food Restaurant.	1 space for each 12,000 square feet of floor area.	1 space for each 5,000 square feet of floor area.
5. Convenience Market		
6. Alcoholic Beverage Sales.	For D-BV Zzones, 1 space for each 8,000 square feet of floor area. Minimum citywide requirement is 2 spaces.	For D-BV Zzones, 1 space for each 3,000 square feet of floor area. Minimum citywide requirement is 2 spaces.
7. Mechanical or Electronic Games.		
8. General Retail Sales.		
9. Large-scale combined retail and grocery sales.		
10. Consumer Service.		
11. Consumer Cleaning and Repair Service.		
12. Consumer Dry Cleaning Plant.		
13. Check Cashier and Check Cashing.		
14. General Wholesale Sales.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
15. Building Material Sales.		
<b>Office</b>		
1. Consultative and Financial Service.	1 space for each 10,000 square feet of floor area.	1 space for each 20,000 square feet of floor area.
2. Administrative Commercial.	For D-BV Zzones, 1 space for each	For D-BV Zzones, 1 space for each

OAKLAND

<b>Commercial Activity</b>	<b>Long-term Bicycle Parking Requirement</b>	<b>Short-term Bicycle Parking Requirement</b>
3. Business, Communication, and Media Service.	8,000 square feet of floor area. Minimum citywide requirement is 2 spaces.	15,000 square feet of floor area. Minimum citywide requirement is 2 spaces.
4. Broadcasting and Recording Service.		
<b>Medical</b>		
1. Medical Service.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.
2. Animal Care.		
<b>Auto Related</b>		
1. Automobile and Other Light Vehicle Sales and Rental.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
2. Automobile and Other Light Vehicle Gas Station and Servicing.	1 space for each 20 employees. Minimum requirement is 2 spaces.	No spaces required.
3. Automotive Repair and Cleaning.		
<b>Other Commercial</b>		
1. Group Assembly.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040
2. Personal Instruction and Improvement Services, and Small Scale Entertainment	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040
3. Research Service.	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.
4. Transient Habitation.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.
5. Automotive Fee Parking.	1 space for each 20 automobile spaces. Minimum requirement is 2 spaces.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted)
6. Undertaking Service.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	2 spaces.
7. Animal Boarding.		

**17.117.120 Required bicycle parking—Industrial and all other Activities.**

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for the specified Industrial, Agricultural and Extractive Activities and All Other Activities and shall be developed and maintained pursuant to the provisions of Article II of this Chapter:

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
<b>Industrial</b>		
1. Custom Manufacturing.	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
2. Light Manufacturing.		
3. General Manufacturing.		
4. Heavy High/Impact Manufacturing.		
5. Research and Development	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
6. Construction Operations	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
7. Warehousing, Storage and Distribution.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. General Warehousing, Storage and Distribution		
B. General Outdoor Storage		
C. Self- or Mini-Storage		
D. Container Storage		
E. Automobile Salvage/Junk Yards		
8. Regional Freight Transportation.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. Seaport		
B. Rail yard	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
9. Trucking and Truck-Related.		
A. Freight/Truck Terminal		
B. Truck Yard		
C. Truck Weigh Stations		

OAKLAND

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing		
E. Truck and Other Heavy Vehicle Service, Repair and Refueling		
10. Recycling and Waste-Related:-	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. Satellite Recycling Collection Centers		
B. Primary Recycling Collection Centers		
C. Intermediate Recycling Processing Facility		
11. Hazardous Material Production, Storage and Waste Management-Related:-	1 space for each 15,000 square feet of floor area. Minimum requirement is 2 spaces.	No spaces required.
A. Small Scale Transfer and Storage Hazardous Waste Management		
B. Industrial Transfer/Storage Hazardous Waste Management		
C. Residual Repositories Hazardous Waste Management		
D. Oil and Gas Storage		
<b>Agricultural and Extractive</b>		
1. Plant Nursery, <del>Agricultural</del>	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040
2. <del>Limited Agriculture. Crop and Animal Raising</del> Agricultural	No spaces required.	No spaces required.
3. Extensive Agriculture.		
4. Mining and Quarrying Extractive.		

**17.117.130 Required shower and locker facilities.**

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of shower facilities and lockers are required per gender for the specified activities and shall be developed and maintained pursuant to the provisions of Article II of this Chapter:

Type of Activity	Shower Requirement (per gender)	Locker Requirement
Residential	None required	None required
Civic	None required	None required
Commercial: Less than 150,000 s.f. of floor area	None required	None required
Commercial: 150,000 s.f. of floor area or greater	A minimum of two showers per gender plus one shower per gender for each 150,000 s.f. above 150,000 s.f.	Four lockers per shower
Industrial	None required	None required
Agricultural and Extractive	None required	None required

(Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12884 § 2 (part), 2008)

**17.117.150 Automobile parking credit.**

The total number of required off-street automobile parking spaces may be reduced at the ratio of one automobile space for each six (6) bicycle spaces provided in excess of the requirements in this Chapter. The bicycle parking provided for this automobile parking credit shall include both long-term and short-term bicycle parking in proportion to the minimum long-term and short-term requirements for the given project. The total number of required off-street automobile parking spaces cannot be reduced by more than five percent (5%).

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12884 § 2 (part), 2008)



**Chapter 17.118 RECYCLING SPACE ALLOCATION REQUIREMENTS**

**Sections:**

17.118.010 Title, purpose, and applicability.

17.118.020 Affected projects.

17.118.030 Recycling space allocation requirements.

17.118.040 Review procedures.

**17.118.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Recycling Space Allocation Rrequirements. The purpose of these provisions is to prescribe standards by which to ensure consistency with the requirements of Chapter 18 of Division 30 of the Public Resources Code, commencing with Section 42900, known as the California Solid Waste Reuse and Recycling Access Act of 1991, and to ensure the provision of adequate, accessible, and convenient locations for the collection and storage of recyclable materials within containers and enclosures which are compatible with surrounding land uses and structures. These standards shall apply to certain affected development projects as specified in Section 17.118.020.

(Ord. 11807 § 1 (part), 1995: prior planning code § 7600)

**Chapter 17.120 PERFORMANCE STANDARDS**

**Sections:**

- 17.120.010 Title, purpose, and applicability.
- 17.120.020 Existing activities.
- 17.120.030 Proof of compliance.
- 17.120.040 Measurements.
- 17.120.050 Noise.
- 17.120.060 Vibration.
- 17.120.070 Smoke.
- 17.120.080 Particulate matter and air contaminants.
- 17.120.090 Odor.
- 17.120.110 Humidity, heat, cold, and glare.
- 17.120.120 Electrical disturbance.

**17.120.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Performance Standards. The purpose of these standards is to control dangerous or objectionable environmental effects of all activities. These standards shall apply to the indicated activities in the zones and situations specified herein.

(Ord. 11895 § 6, 1996: prior planning code § 7700)

**17.120.050 Noise.**

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in Subsection A., B., or C. as modified where applicable by the adjustments indicated in Subsection D. or E. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

A. Residential Zone Noise Level Standards. The maximum allowable noise levels received by any Residential Zone are described in Table 17.120.01.

Table 17.120.01 establishes the maximum allowable receiving noise levels:

**TABLE 17.120.01**

**MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC**

Cumulative Number of Minutes in Either the Daytime or Night time One Hour Time Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45

OAKLAND

10	65	50
5	70	55
1	75	60
0	80	65

- B. Commercial Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Commercial Zone (including the Housing and Business Mix HBX Zones, and the Central Estuary District D-CE-3 and D-CE-4 Zones) are described in Table 17.120.02.

Table 17.120.02 establishes the maximum allowable receiving noise levels:

**TABLE 17.120.02**

**MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS**

Cumulative Number of Minutes in Either the Daytime or Nighttime One Hour Time Period	Anytime
20	65
10	70
5	75
1	80
0	85

- C. Industrial, Agricultural and Extractive Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Industrial Zone are described in Table 17.120.03.

Table 17.120.03 establishes the maximum allowable receiving noise levels:

**TABLE 17.120.03**

**MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA**

Cumulative Number of Minutes in Any One Hour Time Period	Anytime
20	70
10	75
5	80
1	85
0	90

- E. Each of the noise level standards specified above in Subsections A., B., and C. shall be reduced by five (5) dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.

G. Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.

1. The daytime noise level received by any Residential, Commercial, or Industrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten (10) days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten (10) days or more) shall not exceed the maximum allowable receiving noise levels described in Table 17.120.04.

Table 17.120.04 establishes the maximum allowable receiving noise levels:

**TABLE 17.120.04  
MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA**

	Daily 7 a.m. to 7 p.m.	Weekends 9 a.m. to 8 p.m.
Short-Term Operation		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation		
Residential	65	55
Commercial, Industrial	70	60

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven (7) p.m. and seven (7) a.m. or between eight (8) p.m. and nine (9) a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this Section.

H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA, with the exception that systems installed prior to the effective date of this Section shall not exceed fifty-five (55) dBA.

I. Commercial Refrigeration Units. Stationary and mobile commercial refrigeration units shall not produce a noise level greater than the noise level standards set forth in this Section. Between the hours of ten (10) p.m. and seven (7) a.m., a mobile refrigeration unit shall not be located within two hundred (200) feet of any Residential Zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

J. Commercial Exhaust Systems. Unnecessary noise caused by exhaust from ventilation units, or other air control device shall not produce a noise level greater than the noise level standards set forth in this Section between the hours of ten p.m. and seven a.m. and shall not be located within two hundred (200) feet of any Residential Zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

## **Chapter 17.124 LANDSCAPING AND SCREENING STANDARDS**

### **Sections:**

17.124.010 Title, purpose, and applicability.

17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.

17.124.025 Required landscape plan for new Nonresidential Facilities and certain additions to Nonresidential Facilities.

17.124.030 Residential landscape requirements for street frontages.

17.124.045 Trash and Utility Screening.

### **17.124.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Standards for Required Landscaping and Screening. The purpose of these provisions is to prescribe standards for development and maintenance of planting, fences, and walls, for the conservation and protection of property through provision of barriers against traffic, trespass, noise, heat, glare, and dust, and through improvement of the appearance of individual properties, neighborhoods, and the City. These standards shall apply to all landscaping and screening required by this Chapter and other provisions of the zoning regulations.

### **17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.**

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit, excluding Secondary Units of five hundred (500) square feet or less, and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces and the following:

### **17.124.025 Required landscape plan for new Nonresidential Facilities and certain additions to Nonresidential Facilities.**

Submittal and approval of a landscape plan for the entire site and street frontage is required for the establishment of a new Nonresidential Facility and for additions to Nonresidential Facilities of over one thousand (1,000) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces and the standards for required landscaping and screening, including the following:

- A. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) ~~six (6)~~ feet, street trees shall be provided to the satisfaction of the Director of City Planning, as provided in Section 17.124.110. Proposed street trees shall be selected from the City's Frequently Planted Tree Species List. Alternative species may be approved by the Director of City

Planning. Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants.

#### **17.124.030 Residential landscape requirements for street frontages.**

All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.

- A. In addition to the general landscaping requirements set forth above, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) six (6) feet, the trees to be provided shall include street trees to the satisfaction of the Director of City Planning. Proposed street trees shall be selected from the City's Frequently Planted Tree Species List, as provided in Section 17.124.110. Alternative species may be approved by the Director of City Planning. Selection of street tree species shall be based upon compatibility with the existing tree plantings on the street, the mature size of the tree, space available for the tree to grow, the presence of underground and overhead utility lines, utility poles, streetlights, driveway approaches and fire hydrants.

#### **17.124.045 Trash and Utility Screening.**

- A. Screening of Utility Meters. All utility meters shall ~~either~~ be located either within a box set within a building, ~~located~~ on a non-street facing elevation, or screened with vegetation.
- B. Screening of Trash Containers. All trash containers shall be located in a storage area that is screened from the street and adjacent properties by a wall, fence, or dense landscaping with a minimum height of four (4) feet.

**Chapter 17.126 USABLE OPEN SPACE STANDARDS****Sections:**

- 17.126.010 Title, purpose, and applicability.
- 17.126.020 Substitution of private space for group space.
- 17.126.030 Group usable open space.
- 17.126.040 Private usable open space.
- 17.126.050 Plazas for Nonresidential Facilities.

**17.126.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Standards for Required Usable Open Space. The purpose of these provisions is to prescribe standards for the development and maintenance of open areas which serve the need for leisure, recreation, and space. These standards shall apply to all usable open space required by other provisions of the zoning regulations, except within the S-17 Downtown Residential Open Space Combining Zone.

(Ord. 12343 § 3, 2001: prior planning code § 8300)

**17.126.020 Substitution of private space for group space.**

Each one (1) square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two (2) square feet of required group usable open space and may be so substituted, subject to any minimum requirements for actual group space prescribed in the applicable individual zone regulations.

(Prior planning code § 8301)

**17.126.030 Group usable open space.**

All required group usable open space shall be permanently maintained, shall be located on the same lot as the living units it serves, and shall conform to the following standards:

- A. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof, but shall not be more than the minimum height required by the Oakland Building Code.
- F. **Enclosure.** Ground-level space shall be screened from abutting lots, streets, alleys, and paths, and abutting private ways described in Section 17.106.020, by a building wall, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said

Chapter. Fences and walls shall not be so constructed as to interfere with the access required by applicable fire prevention regulations.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 11892 § 20, 1996; prior planning code § 8310)

#### 17.126.040 Private usable open space.

All required private usable open space shall be permanently maintained; shall be located, except as otherwise provided in Subsection B<sub>2</sub> of this Section, on the same lot as the living unit it serves; and shall conform to the following standards:

- A. **Usability.** A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt, or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected wherever necessary for space on a roof or balcony, but shall not be more than the minimum height required by the Oakland Building Code.
- F. **Enclosure.** Ground-level space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways described in Section 17.106.020, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said Chapter. However, when such screening would impair a beneficial outward and open orientation or view, with no building located opposite and within fifty (50) feet from such required screening, as measured perpendicularly therefrom in a horizontal plane, the above prescribed height may be reduced to three and one-half (3½) feet. Fences and walls shall not be so constructed as to interfere with the access required by applicable fire prevention regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; prior planning code § 8320)

#### 17.126.050 Plazas for Nonresidential Facilities.

Every plaza required for Nonresidential Facilities shall be permanently maintained, shall be located on the same lot as the facilities for which it is provided, and shall conform to the following standards:

- A. **Usability.** The plaza shall have an appropriate dust-free surface, and shall be suitable for walking, sitting, and similar activities. Off-street parking and loading areas, driveways, and service areas shall not be counted as plazas. At least twenty-five percent (25%) of the plaza area shall be occupied by planting, sculpture, pools, or similar features.



**Chapter 17.128 TELECOMMUNICATIONS REGULATIONS****Sections:**

- 17.128.010 Title, purpose, and applicability.
- 17.128.025 Restrictions on Telecommunications Facilities.
- 17.128.050 Micro Telecommunications Facilities.
- 17.128.060 Mini Telecommunications Facilities.
- 17.128.070 Macro Telecommunications Facilities.
- 17.128.080 Monopole Telecommunications Facilities.
- 17.128.090 Tower Telecommunications Facilities.
- 17.128.100 Regulations apply to parks and other similar open spaces.
- 17.128.110 Site location preferences.
- 17.128.120 Site design preferences.
- 17.128.130 Radio frequency emissions standards.

**17.128.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Telecommunications Regulations. The purpose and intent of these regulations are to provide a uniform and comprehensive set of standards for the development, location, siting and installation of wireless facilities. These regulations are intended to balance the needs of wireless communications providers, the regulatory functions of the City of Oakland, the mandates of State and Federal law and the potential impacts on the community and neighboring property owners in the design and siting of wireless facilities. The regulations are designed to promote and protect the public health, safety and welfare and the visual quality of the City of Oakland while encouraging the appropriate development of telecommunications activities throughout the city. These regulations shall apply to telecommunications projects.

(Ord. 12768 § 3 (part), 2006; Ord. 11904 § 5.01 (part), 1996: prior planning code § 8500)

**17.128.025 Restrictions on Telecommunications Facilities.**

- A. Any Telecommunications Facility shall not be permitted in, or within one hundred (100) feet of the boundary of, any Residential Zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- B. Any Monopole Telecommunications Facilities shall not be permitted in, or within three hundred (300) feet of the boundary of, any Residential Zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- C. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of

Residential Zones RH-1 through RU-1 inclusive, any HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13060, § 2(Exh. A), 3-1-2011)

**17.128.050 Micro Telecommunications Facilities.**

- A. General Development Standards for Micro Telecommunications Facilities.
- B. Design Review Criteria for Micro Telecommunications Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
- C. Conditional Use Permit Criteria for Micro Telecommunications Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
  - 2. The project must meet the special design review criteria listed in Subsection B<sub>2</sub> of this Section.

(Ord. 12872 § 4 (part), 2008; Ord. 12768 § 3 (part), 2006; Ord. 11904 § 5.01 (part), 1996: prior planning code § 8505)

**17.128.060 Mini Telecommunications Facilities.**

- A. General Development Standards for Mini Telecommunications Facilities.
- B. Design Review Criteria for Mini Telecommunications Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
- C. Conditional Use Permit Criteria for Mini Telecommunications Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
  - 1. The project must meet the special design review criteria listed in Subsection B<sub>1</sub> of this Section.

**17.128.070 Macro Telecommunications Facilities.**

- A. General Development Standards for Macro Telecommunications Facilities.
- B. Design Review Criteria for Macro Telecommunications Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
- C. Conditional Use Permit Criteria for Macro Telecommunications Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
  - 1. The project must meet the special design review criteria listed in Subsection B<sub>1</sub> of this Section.

(Ord. 12768 § 3 (part), 2006; Ord. 11904 § 5.01 (part), 1996: prior planning code § 8507)

**17.128.080 Monopole Telecommunications Facilities.**

- A. General Development Standards for Monopole Telecommunications Facilities.
  - 3. When a monopole is in a Residential Zzone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.
- B. Design Review Criteria for Monopole Telecommunications Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
- C. Conditional Use Permit Criteria for Monopole Telecommunications Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
  - 1. The project must meet the special design review criteria listed in Subsection B<sub>2</sub> of this Ssection.

**17.128.090 Tower Telecommunications Facilities.**

- A. General Development Standards for Tower Telecommunications Facilities.
- B. Design Review Criteria for Tower Telecommunications Facilities. In addition to the design review criteria listed in, the following specific additional criteria must be met when design review is required before an application can be granted:

**17.128.100 Regulations apply to parks and other similar open spaces.**

Telecommunications Facilities proposed in parks and other similar open spaces land shall be subject to the same regulations as set forth in the nearest Residential Zzone.

**17.128.110 Site location preferences.**

New wireless facilities shall generally be located on the following properties or facilities in order of preference:

- C. Existing commercial or industrial structures in Non-Residential Zzones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- D. Existing commercial or industrial structures in Residential Zzones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- E. Other Non-residential uses in Residential Zzones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- F. Residential uses in Non-Residential Zzones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- G. Residential uses in Residential Zzones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.

**Chapter 17.130 ADMINISTRATIVE PROCEDURES GENERALLY**

**Sections:**

17.130.010 Title, purpose, and applicability.

17.130.040 Procedure for resolving tie votes.

17.130.050 Presentation and submittal of issues and/or evidence.

17.130.060 Obligation of applicant to defend, indemnify, and hold harmless the City of Oakland.

17.130.090 Minor land use permits considered concurrently with Major permits.

**17.130.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the General Regulations. The purpose of these provisions is to set forth certain regulations that may or shall, depending on the situation, apply to all provisions of procedures and administration (Chapters 17.130 through 17.148).

**17.130.040 Procedure for resolving tie votes.**

- A. Planning Commission is Final Decision-making Body. If, in a matter that is appealable to the Planning Commission or to the Commission's Residential Appeals Committee and in which the Commission or Committee is the final decision making body, and is unable to reach an affirmative decision to approve or deny an application, the initial decision by the Planning Director stands as a final decision if the Commission or Committee is unable to reach a decision the second time the matter appears on the Commission's or Committee's agenda and votes are taken.
- B. City Council is Final Decision-making Body. If, in the matter that is appealable to the City Council, the Planning Commission or the Commission's Residential Appeals Committee is unable to reach an affirmative decision to approve or deny an application, the Chair of the Commission, in his or her discretion, shall either:

**17.130.060 Obligation of applicant to defend, indemnify, and hold harmless the City of Oakland.**

- B. Within ten (10) calendar days of the filing of any Action as specified in Subsection A. above, the applicant shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.

**17.130.090 Minor land use permits considered concurrently with Major permits.**

- A. Any Minor land use-related permit and/or approval that is related to a development application that also includes any Major land use-related permit and/or approval shall be

OAKLAND

considered concurrently with the Major land use--related permit and/or approval, and shall follow all procedural requirements associated with City Planning Commission decisions. In this case, the entire application shall initially be considered by the City Planning Commission and may be appealed to the City Council, in accordance with the requirements for Major land use--related permit and/or approval or discretionary actions.

- B. Any Minor land use--related permit referred to the City Planning Commission for initial decision in order to be considered concurrently with any Major land use--related permit and/or approval shall still be considered a Minor land use--related permit and/or approval, and the required findings for said Minor land use--related permit and/or approval shall apply.

**Chapter 17.131 REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES**

**Sections:**

17.131.010 Title, purpose, and applicability.

17.131.040 Review procedures.

**17.131.010 Title, purpose and applicability.**

A. Title and Intent. The provisions of this Chapter shall be known as the Reasonable Accommodations Policy and Procedure regulations. The intent of the Reasonable Accommodations Policy and Procedure regulations is to provide flexibility in the application of the Planning Code for individuals with a disability, when flexibility is necessary to eliminate barriers to housing opportunities. This Chapter will facilitate compliance with federal and state fair housing laws, and promote housing opportunities for residents of Oakland.

**17.131.040 Review procedures.**

B. Types of Requests

**1. “Category A” Requests**

Requests for accommodation from development regulations not specified as a “Category B” request (see item 2 below), including but not limited to setbacks, building height limits and parking regulations in the Planning Code, or for any additions to residential facilities which meet the definition of a “Small Project,” as defined in Section 17.136.030(B), shall be considered “Category A” requests.

**2. “Category B” Requests**

Requests for accommodation from residential density regulations in the Planning Code; distance separation requirements in the Planning Code; land use activities not permitted by the Planning Code; any additions to residential facilities which meet the definition of “Regular design review” as defined in Section 17.136.040(A); and any other accommodations request, under the discretion of the Planning Director, shall be considered “Category B” requests.

None of the findings of this section are intended to supersede any other findings which might also be required for a discretionary permit that is reviewed concurrently with the request for accommodation (see Section 17.131.030 (D)).

**Chapter 17.132 ADMINISTRATIVE APPEAL PROCEDURE**

**Sections:**

17.132.010 Title, purpose, and applicability.

**17.132.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Administrative Appeal Procedure. The purpose of these provisions is to prescribe the procedure by which an appeal may be taken to the City Planning Commission or, if applicable, to the Commission's Residential Appeals Committee from any determination or interpretation made by the Director of City Planning under the zoning regulations. This procedure shall apply to all appeals from such determinations and interpretations.

(Ord. 12376 § 3 (part), 2001: prior planning code § 9100)

**Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE****Sections:**

17.134.010 Title, purpose, and applicability.

17.134.020 Definition of major and minor conditional use permits.

17.134.040 Procedures for consideration.

17.134.080 Adherence to approved plans.

**17.134.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Conditional Use Permit Procedure. The purpose of these provisions is to prescribe the procedure for the accommodation of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. This procedure shall apply to all proposals for which a conditional use permit is required by the zoning regulations.

**17.134.020 Definition of major and minor conditional use permits.**

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

1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:
  - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;
  - b. Nonresidential projects involving more than twenty-five thousand (25,000) square feet ~~or more of~~ floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, D-CO, or D-LM Zones;
  - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
    - i. Three (3) or more dwelling units in the RM-2 Zone;
    - ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.
  - d. Residential projects requiring a conditional use permit to exceed the basic or permitted density resulting which results in seven (7) or more dwelling living units in the RU or CBD-R Zones.
  - e. Large-Scale Developments. Any development which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, D-CO, or D-LM Zones and results in more than one hundred thousand (100,000) square feet of new floor area.
  - f. Projects that request to be considered for an exception to the D-LM Height/Bulk/Intensity Area standards, as described in Table 17.101G.04, Note 2.

2. Uses.



- a. Activities:
  - i. Residential Care Residential;<sub>7</sub>
  - ~~ii. Service Enriched Housing Residential;<sub>7</sub>~~
  - ~~iii. Transitional Housing Residential;<sub>7</sub>~~
  - ~~ii.iv. Emergency Shelter Residential;<sub>7</sub>~~
  - ~~iii.v. Extensive Impact Civic;<sub>7</sub>~~
  - ~~iv.vi. Fast-food Restaurant Commercial;<sub>7</sub>~~
  - ~~v.ii. Convenience Market Commercial;<sub>7</sub>~~
  - ~~vi.ii. Alcoholic Beverage Sales Commercial<sub>1</sub> or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B;<sub>7</sub>~~
  - ~~vii.ix. Heavy/High Impact Industrial;<sub>7</sub>~~
  - ~~viii.x. Small Scale Transfer and Storage Hazardous Waste Management;<sub>7</sub>~~
  - ~~ix.i. Industrial Transfer/Storage Hazardous Waste Management;<sub>7</sub>~~
  - ~~x.ii. Mining and Quarrying Extractive;<sub>7</sub>~~
  - ~~xi.ii. Special Health Care Civic Activities.~~

b. Facilities:

- i. Drive-Through;<sub>7</sub>

3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:

- b. A single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any Residential Zzone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;
- g. An Electroplating Activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
- h. A Telecommunications Facility in or within one hundred (100) feet of the boundary of any Residential Zzone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
- i. A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zones<sub>2</sub>, or the D-CE-3 or D-CE-4 Zone.

**B. Minor Conditional Use Permit.** A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this Section.

**17.134.040 Procedures for consideration.**

A. Major Conditional Use Permits.

- 3. In the OS Zone. Applications for conditional use permits in the OS Zone shall be subject to the special use permit review procedure for the OS Zone established in Chapter 17.135<sub>2</sub>

B. Minor Conditional Use Permits.

OAKLAND

2. In the OS Zone. Applications for conditional use permits in the OS Zone shall be subject to the special use permit review procedure for the OS Zone established in Chapter 17.135.

**17.134.080 Adherence to approved plans.**

A conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate one (1) year from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate the conditional use permit approval if such extension period has also expired.

**Chapter 17.135 SPECIAL USE PERMIT REVIEW PROCEDURE FOR THE OS ZONE****Sections:**

17.135.010 Title, purpose, and applicability.

17.135.030 Procedure for consideration.

17.135.040 Referral to Landmarks Preservation Advisory Board.

17.135.050 Special requirements for projects consistent with Park Master Plans.

**17.135.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Special Use Permit Revision Procedures for the OS Zone. The purpose of these provisions is to prescribe the procedure for reviewing projects which are proposed in the OS Zone, including provisions for public participation. This procedure shall apply to all improvements or changes in use, as defined in Section 17.09.050.

(Ord. 12078 § 4 (part), 1998)

**17.135.030 Procedure for consideration.**

No change in use or improvement, as defined in Section 17.09.050, shall occur on land designated OS unless the following process has been followed:

C. Public Hearing. A public hearing shall be required for any change in use or improvement and shall be conducted and heard by the City Planning Commission and/or the Parks and Recreation Advisory Commission, as provided by Subdivisions 1 and 2 of this Subsection.

1. Major Conditional Use Permits.

c. The City Planning Commission shall determine whether the proposal conforms to the use permit criteria set forth in Section 17.11.110 and to other applicable criteria, and shall make a recommendation to grant or deny the application, or recommend such changes or impose such conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The determination of the Commission shall become final within ten (10) calendar days after the date of the decision unless appealed to the City Council in accordance with Section 17.134.070.

2. Minor Conditional Use Permits.

b. The Director of City Planning shall determine whether the proposal conforms to the special use permit criteria set forth in Section 17.11.110 and to other applicable criteria and shall grant, deny, or conditionally grant the permit. The determination of the Director of City Planning shall become final within ten (10) calendar days after the date of the decision unless appealed to the City Planning Commission in accordance with Section 17.134.060. If no action is taken by the Director of City Planning within thirty (30) days of the Parks and Recreation Advisory Commission's recommendation, the project shall be deemed approved.

**17.135.040 Referral to Landmarks Preservation Advisory Board.**

Any project in the OS Zone requiring a major or minor conditional use permit shall be subject to review by the Landmarks Preservation Advisory Board (LPAB) if that project is located:

- A. Within the S-7 Zone;
- B. On a site that could potentially impact a structure, site, or feature that is listed on the State or National Registers, or that has been formally designated as an Oakland landmark.

For projects requiring a minor conditional use permit, this review shall be made after the public hearing of the Parks and Recreation Advisory Commission and before the final decision of the Director of City Planning. For projects requiring a major conditional use permit, this review shall be made after the public hearing of the Parks and Recreation Advisory Commission and before the public hearing of the City Planning Commission. The Landmarks Preservation Advisory Board may recommend modifications to the project that it deems necessary to ensure that the historic value of the structure, site, or feature is not adversely impacted. If no action is taken by the Landmarks Preservation Advisory Board within thirty (30) days of its receipt of the application, the project will be forwarded to the Planning Commission (for major conditional use permits) or the Director of City Planning (for minor conditional use permits).

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12078 § 4 (part), 1998)

**17.135.050 Special requirements for projects consistent with Park Master Plans.**

- B. Projects in East Bay Regional Parks. Any improvement or change in use on land owned by the East Bay Regional Park District (EBRPD) shall be subject to the development standards contained in this Cehapter. However, in accordance with Section 17.11.060, such projects shall not require a conditional use permit if they are park, recreational, or civic uses that are consistent with a Park Land Use Plan or equivalent land use planning document adopted by the EBRPD Board. In the event a land use plan or equivalent document does not exist or must be amended to accommodate the facility, preparation/amendment of such a plan by the EBRPD will be required prior to issuance of a building permit for future improvements. Such plans and plan amendments shall require public notice to abutting property owners and to the Oakland Parks and Recreation Advisory Commission, City Planning Commission, and City Council at least forty-five (45) days prior to adoption by the Park Board in order to ensure opportunity for public comment from Oakland residents.

**Chapter 17.136 DESIGN REVIEW PROCEDURE****Sections:**

- 17.136.010 Title, purpose, and applicability.
- 17.136.025 Exemptions from design review.
- 17.136.030 Small project design review.
- 17.136.038 Special project design review.
- 17.136.040 Regular design review.
- 17.136.055 Special regulations for historic properties in the Central Business District Zones.
- 17.136.070 Special regulations for designated landmarks.
- 17.136.075 Regulations for demolition or removal of CIX-1A zoned properties, Designated Historic Properties, and Potentially Designated Historic Properties.
- 17.136.080 Appeal to Planning Commission—Regular design review.
- 17.136.090 Appeal to City Council—Regular design review.
- 17.136.100 Adherence to approved plans.
- 17.136.120 Design review related to conditional use permit, Planned Unit Development, variance, or subdivision.
- 17.136.130 Limitation on resubmission—Small project design review and Special project design review.

**17.136.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Design Review Procedure. The purpose of these provisions is to prescribe the procedure for the review of proposals located in areas or on sites, or involving uses, which require special design treatment and consideration of relationships to the physical surroundings. This procedure shall apply to all proposals for which design review is required by the zoning regulations.

**17.136.025 Exemptions from design review.**

- B. Definition. The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):
  - 1. Additions or Alterations.
    - d. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.103.080;
    - f. Except as otherwise specified in Subsection B.1.g for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit

## OAKLAND

that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;

- g. For Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones, cumulative additions over a three (3) year period that are outside the existing building envelope and equal no more than fifty percent (50%) of the total floor area or footprint on site or three thousand (3,000) square feet, whichever is less;
- h. For Commercial, Civic, or Industrial Facilities and the Non-residential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only be permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;

### 2. Signs.

- a. A change of sign face copy or new sign face within an existing Advertisement Sign
- c. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070.

### 3. Other Projects.

- a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right-of-way, pursuant to Section 17.103.090;
- b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district.

### **17.136.030 Small project design review.**

- A. Applicability. "Small Project Design Review" shall apply to proposals that do not qualify for an exemption from design review as set forth in Section 17.136.025, or require Special Project Design Review as set forth in Section 17.136.038, or Regular Design Review as either determined by the Director of City Planning or as set forth in Section 17.136.040. "Small Project Design Review" proposals shall meet all of the following provisions:
- B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:

#### 1. Additions or Alterations.

- b. Except as otherwise specified in Sections 17.136.025, 17.136.038, and 17.136.040, and 17.136.075, demolition or removal of structures not involving a Designated Historic Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;
- c. Except as otherwise specified in Sections 17.136.025 and 17.136.038 for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D

Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;

- d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding seven hundred fifty (750) ~~nine hundred (900)~~ square feet or seventy-five percent (75%) ~~fifty percent (50%)~~ of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.103.080;
  - e. For Commercial, Civic, or Industrial Facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.
2. Fences, barriers, and similar freestanding walls.
- b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, S-15, and D-CO-1 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a Residential Zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.
- C. Procedures for Consideration—Small Project Design Review. The Director of City Planning may, at his or her discretion, consider an application for Small project design review according to the following Three-Track process, or if additional consideration is required, determine that the proposal shall be reviewed according to the Regular design review procedure in Section 17.136.040.
2. Track Two Procedure—Small Project Design Review Proposals Involving a Local Register Property:
- b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for Small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable Small project design review criteria in Section 17.136.035.
3. Track Three Procedure—Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One- or Two-Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the HBX Zones, not including allowed projections above the height limits listed in Section 17.108.030.
- a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for Small project design review as set forth in this Section.

#### **17.136.038 Special project design review.**

- A. Applicability. "Special Project Design Review" shall apply to Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D Zones that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for design review exemption as set forth in Section 17.136.025 or Small project design review as set forth in Section 17.136.030; or require Regular Design Review as

either determined by the Director of City Planning or as set forth in Section 17.136.075 and Chapter 17.73.

- C. Procedures for Consideration—Special Project Design Review. The Director of City Planning shall consider an application for Special project design review according to the following Two-Track process, or if additional consideration is required, determine that the proposal shall be reviewed instead according to the Regular design review procedure in Section 17.136.040.
1. Track One Procedure—Special Project Design Review Proposals Not Involving a Local Register Property:
    - a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for Special project design review as set forth in this Section.
    - c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

#### **17.136.040 Regular design review.**

- A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025, Small project design review as set forth in Section 17.136.030, or Special project design review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, projects requiring Regular design review include, but are not limited to, the following types of work:
3. New construction of one (1) or two (2) dwelling units, other than a Secondary Unit;
  6. The creation of any new HBX Work/Live unit or HBX Live/Work unit (see Sections 17.65.160 and 17.65.170); ~~the creation of any new D-CE Work/Live unit or D-CE Live/Work unit (see Sections 17,101E.070 and 17.101E.080); or the creation of any new CIX, IG, or IO Work/Live unit (see Section 17.73.040).~~ This requirement shall apply for both: a) conversions of existing facilities to contain any ~~either~~ of these unit types, and b) the construction of new buildings that contain any ~~either~~ of these unit types;
  8. Exceptions to the parking accommodation requirements for One- and Two-Family Residential Facilities in Section 17.116.075;
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for Regular design review to the City Planning



Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in more than twenty-five thousand (25,000) square feet ~~or more~~ of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, D-LM, D-CO, or S-15 Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.

- E. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in Subsections C<sub>2</sub> and D<sub>2</sub> of this Section.

**17.136.055 Special regulations for historic properties in the Central Business District and the Lake Merritt Station Area District Zones.**

- A. The provisions of this Section shall only apply to proposals in the Central Business District (CBD) Zones and Lake Merritt Station Area District (D-LM) Zones.
- B. Findings.
2. Approval of applications for projects in an API that require Regular Design Review approval may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and to the following additional criteria:
- b. New street frontage has forms that reflect the widths and rhythm of the facades on the street, and entrances that reflect the patterns on the street;
  - c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API;

**17.136.070 Special regulations for designated landmarks.**

- A. **Designation.** In any zone, the City Council may designate as a landmark any facility, portion thereof, or group of facilities which has special character, interest, or value of any of the types referred to in Section 17.07.030P. The designating ordinance for each landmark shall include a description of the characteristics of the landmark which justify its designation and a clear description of the particular features that should be preserved. Each ordinance shall also include the location and boundaries of a landmark site, which shall be the lot, or other appropriate immediate setting, containing the landmark. Designation of each landmark and landmark site shall be pursuant to the rezoning and law change procedure in Chapter 17.144.
- C. **Regular Design Review Criteria.** Proposals involving designated landmarks that require Regular design review approval may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in Section 17.136.050 and to the additional criteria set forth below in Subdivisions 1, 2 and 3 or to one or both of the criteria set forth in Subdivision 4:

3. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally-related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties;

- D. **Duty to Keep in Good Repair.** Except as otherwise authorized under Subsections B<sub>2</sub> and C<sub>2</sub> of this Section, the owner, lessee, or other person in actual charge of each designated landmark shall keep good repair all of the exterior portions thereof, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion.

**17.136.075 Regulations for demolition or removal of CIX-1A zoned properties, Designated Historic Properties, and Potentially Designated Historic Properties.**

- A. With the exception of structures declared to be a public nuisance by the Building Official or City Council, Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall only be approved after the Regular Design Review of a replacement project at the subject site has been approved; however, demolition of nuisance structures must still undergo Regular Design Review for demolition as required by this Chapter.
- B. Regular Design Review approval for the demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the City's Preservation Study List that are not in an S-7 or S-20 Zone, or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the regular design review criteria, all other applicable design review criteria, and the following additional criteria:
- C. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone, or an S-7 or S-20 Zone, or an Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:
1. For the demolition of structures in the CIX-1A Zone, or contributors to an S-7 Zone, or S-20 Zone, or API:
  2. For the demolition of noncontributors to an S-7 Zone, S-20 Zone, or API: The existing structure is either: i) seriously deteriorated or a hazard; or ii) the existing design is undistinguished and does not warrant retention. For this finding, a hazard constitutes a threat to health and safety that is not immediate;
  3. For the demolition of any structure in an S-7 Zone, S-20 Zone, or API:
- E. For proposals that have received Design Review approval pursuant to this Section, the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this

Section if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this Section may be appealed pursuant to the administrative appeal procedure in Chapter 17.132.

**17.136.130 Limitation on resubmission—Small project design review and Special project design review.**

Whenever an application for Ssmall project design review or Sspecial project design review has been denied by the Director of City Planning, no Ssmall project design review application or Sspecial project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial; provided, however, that such proposal may be resubmitted as an application for Rregular design review.

The limitation of this Section on resubmitting an application for Ssmall project design review or Sspecial project design review shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify reconsideration of denial of the original application for Ssmall project design review or Sspecial project design review. Applications pursuant to this Section shall be considered by the Director of City Planning. A determination by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the Planning Commission shall be final.

**Chapter 17.138 DEVELOPMENT AGREEMENT PROCEDURE****Sections:**

17.138.010 Title, purposes, and applicability.

17.138.015 Projects eligible and special regulations for projects with development agreements.

17.138.020 Application.

**17.138.010 Title, purposes, and applicability.**

The provisions of this Chapter shall be known as the Development Agreement Procedure. The purposes of these provisions are to prescribe the procedure for consideration of development agreements and, by encouraging appropriate projects, to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development. This procedure shall apply to all proposals for development agreements.

**17.138.015 Projects eligible and special regulations for projects with development agreements.**

- A. Any person having a legal or equitable interest in the real property involved may, upon approval pursuant to the development agreement procedure in this Chapter, enter into a development agreement with the City for any specific development project which involves either:
- B. The development agreement shall not be approved unless the project has received, or simultaneously receives, whatever design review, conditional use permit, preliminary Planned Unit Development plan approval, and/or variance it may otherwise require. For the duration of the particular agreement, and unless otherwise provided in the terms thereof, there shall be a contractual guarantee that the project covered by the agreement may be pursued under the applicable procedural criteria, if any, and other zoning regulations, and plans or other documents referred to by any such criteria, as they existed when the agreement was approved and notwithstanding any subsequent changes in said zoning regulations or documents. However, the agreement may also subject the proposal to special conditions to benefit or protect the City for entering into the development agreement. The conditions may include, but are not limited to, supplemental restrictions on kinds of uses, Floor-Area Ratio, or density; special conditions or criteria for required subsequent zoning approvals, if any; and requirements for the reservation, dedication, or improvement of land for public purposes or accessible to the public.

**17.138.020 Application.**

Application for a development agreement shall be made by a person, or the authorized agent of a person, having a legal or equitable interest in the affected property. Application shall be made on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the fee schedule in Chapter 17.150 and by the proposed development agreement and any supporting material which, between them, shall include the following:

OAKLAND

- B. A description of the development project, indicating the proposed kinds of uses, Floor-Area Ratio or density, and building height and size, and such additional information as may be required to allow the applicable criterion and factors to be applied to the proposal. Such information may include, but is not limited to, site and building plans, elevations, relationships to adjacent properties, and operational data. Where appropriate the description may distinguish between elements of the project which are proposed to be fixed under the agreement and those which may vary;

## **Chapter 17.140 PLANNED UNIT DEVELOPMENT PROCEDURE**

### **Sections:**

- 17.140.010 Title, purpose, and applicability.
- 17.140.020 Application.
- 17.140.030 Preliminary Planning Commission action.
- 17.140.060 Final Planning Commission action.
- 17.140.080 Permit criteria.
- 17.140.090 Mapping.
- 17.140.100 Limitation on resubmission.
- 17.140.110 Adherence to approved plan, and modification thereof.

### **17.140.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Planned Unit Development Procedure. The purpose of these provisions is to prescribe the procedure for the review of Planned Unit Developments and to encourage those which are appropriately designed and located. This procedure shall apply to all proposed developments for which a permit is required by Section 17.142.030. Whenever such a development is subject to the real estate subdivision regulations, this procedure shall be complied with, and, in addition thereto, such regulations.

### **17.140.020 Application.**

Application for a Planned Unit Development (PUD) permit shall be made by the owner of the affected property or his or her authorized agent, or by another party described in Section 17.142.040, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by the fee prescribed in the fee schedule in Chapter 17.150, and by the following:

### **17.140.030 Preliminary Planning Commission action.**

An application for a Planned Unit Development (PUD) permit shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in such records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. If, however, the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement these procedures. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing

and/or in court. The Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 17.140.080 and to the Planned Unit Development regulations in Chapter 17.142, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Commission may, in its discretion, authorize submission of the final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. The determination of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

#### **17.140.060 Final Planning Commission action.**

Upon receipt of the final development plan, the City Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, whether it conforms to applicable design review criteria. After receiving a final development plan which includes design and arrangement of portions of the project shown in generalized, schematic fashion on the preliminary development plan, the Commission shall hold a public hearing before taking action. Notice of the hearing shall be given in the same manner as set forth in Section 17.140.030. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission may grant or deny a Planned Unit Development permit or require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Commission may permit the applicant to revise the plan and resubmit it as a final development plan within thirty (30) days. If the Commission does not grant such permission, the decision of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.140.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

#### **17.140.080 Permit criteria.**

A Planned Unit Development permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the Planned Unit Development regulations in Chapter 17.142:

**17.140.090 Mapping.**

Whenever a Planned Unit Development (PUD) permit has been granted, and so long as the permit is in effect, the boundary of the Planned Unit Development shall be indicated on the zoning maps of the city.

**17.140.100 Limitation on resubmission.**

Whenever an application for a Planned Unit Development permit has been denied, no application for the same area or any portion thereof shall be filed by the same applicant within six (6) months after the date of denial.

**17.140.110 Adherence to approved plan, and modification thereof.**

The applicant shall agree in writing to be bound, for himself or herself and his or her successors in interest, by the conditions prescribed for approval of a Planned Unit Development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of City Planning if such changes are consistent with the purposes and general character of the development plan. Proposed extensions to the one-year time limit imposed by Section 17.140.040 and proposed extensions of revisions of the stage development schedule, upon application filed at any time before said period has expired, shall be referred to the City Planning Commission, and the Commission may approve, modify, or deny such proposals. The decision of the Commission is appealable to the City Council. All other modifications, including extensions or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.



**Chapter 17.142 MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS**

**Sections:**

Article I - Title, Purposes and Applicability

Article II - Mini-Lot Developments

Article III - Planned Unit Developments

**Article I Title, Purposes and Applicability**

17.142.002 Title and purposes.

17.142.004 Applicability.

**17.142.002 Title and purposes.**

The provisions of this Chapter shall be known as the Mmini Llot and Planned Unit Development Regulations. The purposes of these regulations are to:

**17.142.004 Applicability.**

These regulations shall apply to all:

- A. Mini-Lot Developments located on a single tract of land of less than sixty thousand (60,000) square feet, and containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located; and

**Article II Mini-Lot Developments**

17.142.010 Definition of Mmini-Lot Development.

17.142.012 Basic provisions for Mmini-Lot Developments.

17.142.014 Zones in which requirements may be waived for a Mmini-Lot Development.

17.142.016 Maximum size for which requirements may be waived for a Mmini-Lot Development.

**17.142.010 Definition of Mmini-Lot Development.**

A Mmini-Lot Development is a comprehensively designed development containing lots that do not meet the minimum size or other requirements applying to individual lots of less than sixty thousand (60,000) square feet in the zone where it is located.

**17.142.012 Basic provisions for Mmini-Llot Ddevelopments.**

Subject to the provisions of this article, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a Mmini-Llot Ddevelopment, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

**17.142.014 Zones in which requirements may be waived for a Mmini-Llot Ddevelopment.**

A conditional use permit pursuant to 17.142.012 may only be granted in the S-1 or S-2 Zone, or in any Residential or Commercial Zone other than RH or RD Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**17.142.016 Maximum size for which requirements may be waived for a Mmini-Llot Ddevelopment.**

Maximum Size for Which Requirements May Be Waived. A conditional use permit pursuant to Section 17.142.012 of this Chapter may be granted only if the total land area of the Mmini-Llot Ddevelopment is less than sixty thousand (60,000) square feet.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

**Article III Planned Unit Developments**

17.142.020 Definition of Planned Unit Ddevelopment.

17.142.030 Developments for which Planned Unit Ddevelopment permit approval is required or requested.

17.142.040 Ownership and division of land.

17.142.050 Professional design.

17.142.080 Zones in which bonuses may be granted.

17.142.090 Minimum size for which bonuses may be granted.

17.142.100 Bonuses.

17.142.110 Development standards.

**17.142.020 Definition of Planned Unit Ddevelopment.**

A "Planned Unit Development" (PUD) is a large, integrated development adhering to a comprehensive plan and located on a single tract of land of sixty thousand (60,000) square feet or more, or on two (2) or more tracts of land equaling sixty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way. In developments that are approved pursuant to the Planned Unit Development regulations in this Chapter, certain

uses may be permitted in addition to those otherwise allowed in the underlying zone, ~~and~~ certain of the other regulations applying in said zone may be waived or modified, and the normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 7801)

**17.142.030 Developments for which Planned Unit Development permit approval is required or requested.**

- A. The following developments are permitted only upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140.
1. Any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.
  2. Any integrated development which is primarily designed for or occupied by Commercial Activities, which is located in any Commercial Zone, and which is developed under unified control, in accordance with a comprehensive plan, on a single tract with sixty thousand (60,000) square feet or more of land area, or on two (2) or more tracts which total such area and which are separated only by a street or other right-of-way.
- B. Unless required by the Planning Director, other large, integrated developments involving the same minimum land area thresholds of a Planned Unit Development, as defined in Section 17.142.020, are permitted without such a permit. However, an applicant for such a development may request a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140, but shall be subject to all regulations generally applying in the zone in which they are located.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 7802)

**17.142.040 Ownership and division of land.**

If any of the bonuses set forth in Section 17.142.100 are proposed for a development, the tract or tracts of land included in such development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase; any governmental agency, including the Redevelopment Successor Agency of the City; or a redeveloper under contract with the Redevelopment Successor Agency shall be deemed the owner of such land for the purposes of this Section. Unless otherwise provided as a condition for approval of a Planned Unit Development (PUD) permit, the permittee may divide and transfer units of any development for which a permit is required by Section 17.142.030. The transferee shall complete each such unit, and use and maintain it, in strict conformance with the approved permit and development plan.

(Ord. 12872 § 4 (part), 2008; prior planning code § 7803)

**17.142.050 Professional design.**

If any of the bonuses set forth in Section 17.142.100 are proposed for a Planned Unit Development, the application for a Planned Unit Development (PUD) permit pursuant to said Section shall utilize the following professionals in the design process for the development:

**17.142.080 Zones in which bonuses may be granted.**

The bonuses set forth in Section 17.142.100 may, upon approval pursuant thereto and except as otherwise specified therein, be permitted for a Planned Unit Development in any Residential or Commercial Zone, or in the S-1, S-2, S-15, or D-CO-1 Zones.

(Ord. 12872 § 4 (part), 2008; Ord. 11892 § 19, 1996: prior planning code § 7810)

**17.142.090 Minimum size for which bonuses may be granted.**

The minimum total land area of any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100 shall be four (4) acres in the RH and RD-1 Zones, and sixty thousand (60,000) square feet in all other zones except the CC-1 Zone. In the CC-1 Zone, the minimum total land area shall be four (4) acres for any Planned Unit Development incorporating any of the bonuses set forth in Subsection 17.142.100.E, and sixty thousand (60,000) square feet for any other Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.

**17.142.100 Bonuses.**

For Planned Unit Developments qualifying under Sections 17.142.080 and 17.142.090, the following exceptions to otherwise applicable regulations may be permitted upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140:

- A. Additional Permitted Activities Where Increase in Overall Density or Floor-Area Ratio (FAR) Is Proposed. Except in the RH and RD-1 Zones, the following activities, as described in the use classifications in Chapter 17.10, may be permitted in a Planned Unit Development incorporating an increase in overall density or Floor-Area Ratio pursuant to Subsection E. of this Section, in addition to the activities generally permitted in the zone where the development is located:
- B. Further Additional Permitted Activities Where No Increase in Overall Density or Floor-Area Ratio Is Proposed. Except in the RH and RD-1 Zones, the following activities, as described in the use classifications, may be permitted in a Planned Unit Development for which no increase in overall density or Floor-Area Ratio is proposed pursuant to Subsection E. of this Section, in addition to the activities listed in Subsection A. of this Section and in addition to the activities generally permitted in the zone in which the development is located. The special limitations prescribed in Subsection A.3. of this Section with respect to location and amount of floor area devoted to Commercial Activities shall not apply in such a development.
  1. Residential Activities:
    - Semi-Transient
  2. Civic Activities:

Health Care (Nursing Home)

~~Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)~~

Recreational Assembly

Nonassembly Cultural

Administrative

Utility and Vehicular

3. Commercial Activities:

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

Personal Instruction and Improvement Services and ~~Small Scale Entertainment~~

4. Industrial Manufacturing Activities:

Custom Manufacturing

E. Increase in Overall Density or Floor-Area Ratio.

1. Except in the RH, and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to thirty-three percent (33%) if the development contains a combination of two (2) or more of the following dwelling types and if not more than two-thirds (2/3) of the total number of living units are included in any one of such types:

b. Town house or similar One-Family semi-detached or attached buildings each containing only one (1) living unit;

2. Except in the RH, and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to twenty-five percent (25%) in a development other than one described in Subsection E.1. of this Section.

H. Limitations on Signs. Except in the RH and RD-1 Zones and except in a development incorporating an increase in density or Floor-Area Ratio pursuant to Subsection E. of this Section, Signs may be developed subject to the limitations prescribed therefor in the CC-1 Zone rather than those in the zone in which the development is located.

**17.142.110 Development standards.**

The following regulations shall apply to all developments for which a permit is required by Section 17.142.030:

OAKLAND

- A. Density and Floor-Area Ratio (FAR) Calculation. The maximum overall number of living units in Residential Facilities and the maximum overall ~~F~~floor-~~A~~area ~~R~~ratio, if any, shall be based on the land area within the development, excluding the following:
1. Publicly dedicated streets, freeways, alleys, and paths;
  2. When computing density for Residential Facilities in the RH, RD, or RM, ~~C-10, C-20, or C-60~~ Zones, the following:
    - a. Land, other than public housing sites, which is publicly owned or reserved for public ownership,
    - b. Land which is specifically devoted to or intended for Nonresidential Facilities.
- D. Performance Standards. Any Commercial or ~~Manufacturing-Industrial~~ Activities in the development shall be subject to the applicable provisions of the performance standards in Chapter 17.120.
- F. Usable Open Space. In the RH-1, RH-2 and RH-3 Zones, two hundred (200) square feet of group usable open space per dwelling unit and three hundred (300) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities; and in the RH-4 and RD-1 Zones, two hundred (200) square feet of group usable open space per dwelling unit and one hundred (100) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities. In any other zone, in any development incorporating an increase in overall density or ~~F~~floor-~~A~~area ~~R~~ratio pursuant to Subsection 17.142.100.E, group usable open space shall be provided for Residential Facilities in the minimum amount of two hundred (200) square feet per dwelling unit. Except as otherwise provided in Subsection 17.142.100.F, all required usable open space shall conform to the standards for required usable open space in Chapter 17.126, and private usable open space may be substituted for required group space in the ratio prescribed in said chapter.
- H. Other Regulations. Except as otherwise provided in Section 17.142.100 and in this Section, and except as more restrictive regulations may be prescribed pursuant to Section 17.142.060 or otherwise as a condition of approval of a ~~P~~planned ~~U~~unit ~~D~~development permit pursuant to Section 17.142.030, the development shall be subject to the regulations generally applying in the zone in which it is located and the provisions of Section 17.108.080.
- I. Developments Divided by Boundaries. Any development which is divided by a boundary between zones shall be subject as if it were a single lot to the provisions of Subsections B.2., 3., and 4. of Section 17.154.060 with respect to calculation of required parking, loading, and usable open space; calculation of maximum number of living units or ~~F~~floor-~~A~~area ~~R~~ratio; and distribution of the resulting number of living units or amount of floor area.

**Chapter 17.144 REZONING AND LAW CHANGE PROCEDURE**

**Sections:**

17.144.010 Title, purpose, and applicability.

17.144.020 No Council action without Planning Commission recommendation.

17.144.090 Council action.

**17.144.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Rezoning and Law Change Procedure. The purpose of these provisions is to prescribe the procedure by which changes may be made in the text of the zoning regulations and in the application thereof to specific properties. This procedure shall apply to all proposals to rezone property, to change the text of the zoning regulations, or to establish, amend, or delete any development control map or designated landmark or landmark site.

(Prior planning code § 9500)

**17.144.020 No Council action without Planning Commission recommendation.**

The City Council shall not rezone any property, change the text of any provision of the zoning regulations, or establish, amend, or delete any development control map or designated landmark or landmark site until after it has received, pursuant to this procedure, a recommendation and/or findings from the City Planning Commission.

(Prior planning code § 9501)

**Chapter 17.148 VARIANCE PROCEDURE****Sections:**

- 17.148.010 Title, purpose, and applicability.
- 17.148.020 Definition of Mmajor and Mminor Vvariances.
- 17.148.030 Application.
- 17.148.040 Procedure for consideration.
- 17.148.050 Findings required.
- 17.148.060 Appeal to Planning Commission—Minor Vvariances.
- 17.148.070 Appeal to Council—Major Vvariances.
- 17.148.080 Adherence to approved plans.
- 17.148.100 Variance related to Conditional Use Permit, Regular Design Review, Planned Unit Development, or subdivision.
- 17.148.110 Limitation on resubmission.

**17.148.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Variance Procedure. The purpose of these provisions is to prescribe the procedure for the relaxation of any substantive provision of the zoning regulations, under specified conditions, so that the public welfare is secured and substantial justice done most nearly in accord with the intent and purposes of the zoning regulations. This procedure shall apply to all proposals to vary the strict requirements of the zoning regulations.

(Prior planning code § 9600)

**17.148.020 Definition of Mmajor and Mminor Vvariances.**

- A. **Major Variance.** A "Mmajor Vvariance" is a variance which involves any of the following provisions:
  - 4. Maximum Floor-Area Ratio (FAR), except for One-Family Dwellings, One-Family Dwellings with Secondary Unit, and Two-Family Dwellings;
  - 5. Maximum size of Commercial or Industrial Manufacturing establishments;
  - 6. Restriction on over-concentration of Residential Care, ~~Service-Enriched Permanent Housing, Transitional Housing,~~ and Emergency Shelter Residential Activities as set forth in Subsection 17.103.010.B.
- B. **Minor Variance.** A "Mminor Vvariance" is a variance which does not involve any of the provisions listed in Subsection A<sub>2</sub> of this Section.



**17.148.030 Application.**

In all zones, application for a variance 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 be accompanied by such information, including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required to permit the review of the proposal in the context of the required findings, and by the fee prescribed in the fee schedule in Chapter 17.150.

**17.148.040 Procedure for consideration.**

C. **Alternative Notification Procedures.** If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in Subsections A<sub>2</sub> and B<sub>2</sub> of this Section.

**17.148.050 Findings required.**

- A. With the exception of variances for Aadult Eentertainment Aactivities or Ssign Facilities, a variance may be granted only upon determination that all of the following conditions are present:
- B. A variance for Aadult Eentertainment Aactivities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:
- C. A variance for Ssign Facilities shall be granted upon a determination that all of the following conditions are present, notwithstanding any conflicting requirements contained elsewhere in the zoning regulations:

**17.148.060 Appeal to Planning Commission—Minor Vvariances.****17.148.070 Appeal to Council—Major Vvariances.**

- A. With the exceptions of appeals for Aadult Eentertainment Aactivities or for Ssigns, appeals to the City Council shall be governed by the following:
- B. Appeals to the City Council relating to Aadult Eentertainment Aactivities or for Ssigns shall be governed by the following:

**17.148.100 Variance related to Conditional Use Permit, Regular Design Review, Planned Unit Development, or subdivision.**

Whenever a variance is required for a proposal also requiring a conditional use permit, Regular design review, or a Planned Unit Development permit, application for the variance shall be included in the application for said conditional use permit, Regular design review, or Planned Unit Development permit, and shall be processed and considered as part of same. Whenever a variance is proposed within a proposed subdivision, the application for the variance may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, and may be processed and considered therewith. In either case, however, the reviewing officer or body shall, in considering such a variance, determine whether the conditions required in Section 17.148.050 are present.

**17.148.110 Limitation on resubmission.**

Whenever an application for a major variance has been denied by the City Council or denied by the Planning Commission and the applicant fails to file a timely appeal with the City Council, no such application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial. This Section shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify a rehearing. Applications for hearing pursuant to this Section shall be considered by the Director of City Planning. A decision by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the City Planning Commission shall be final.

**Chapter 17.150 FEE SCHEDULE**

**Sections:**

17.150.010 Title, purpose, and applicability.

**17.150.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Fee Schedule. The purpose of these provisions is to prescribe the fees for the filing of applications for, or making appeals under, the procedures of the zoning regulations. This fee schedule shall apply to all such filings.

(Prior planning code § 9800)

**Chapter 17.152 ENFORCEMENT**

**Sections:**

17.152.010 Title, purpose, and applicability.

17.152.030 Violations and penalties.

17.152.060 General revocation procedures.

17.152.070 Filing and commencement of revocation complaints.

17.152.200 Liens, penalties and expenses of abatement.

17.152.220 Web site notice.

17.152.230 Extension of time.

**17.152.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Enforcement Regulations. The purpose of these regulations is to ensure compliance with the zoning regulations. These provisions shall apply to the enforcement of the zoning regulations, but shall not be deemed exclusive.

(Prior planning code § 9900)

**17.152.030 Violations and penalties.**

- C. Any Violation a Public Nuisance. In addition to the penalties provided in this Section, any use or condition caused or permitted to exist in violation of any of the provisions of the zoning regulations shall be and is declared to be a public nuisance and may be summarily abated as such by the city.
- D. Injunction as Additional Remedy. Any violation of any provision of the zoning regulations shall be and is declared to be contrary to the public ~~public~~-interest and shall, at the discretion of the city, create a cause of action for injunctive relief.
- E. Penalties. Any person convicted of an infraction under the provisions of this Section shall be punishable by a fine to the maximum permitted under state law. Any violation beyond the third conviction within a one-year period may be charged by the City Attorney or District Attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under state law.

**17.152.060 General revocation procedures.**

The provisions of Sections 17.152.060 through 17.152.230 shall outline the process by which zoning revocation hearings are required to be conducted.

(Ord. 12233 § 3 (part), 2000)

**17.152.070 Filing and commencement of revocation complaints.**

- A. Any member of the public, city official, including any City Councilmember, City Planning Commissioner or city employee, may file a complaint with the City Planning Department and request that revocation proceedings be commenced under this Chapter to revoke or amend any land\_-use\_-related approval granted, or land\_-use\_ permit held or issued, including subdivisions. However, this Chapter shall not apply to Deemed Approved Alcoholic Beverage Sales Regulations (Chapter 17.156) and Deemed Approved Hotel and Rooming House Regulations (Chapter 17.157) as those Chapters have specific revocation procedures.

**17.152.200 Liens, penalties and expenses of abatement.**

- C. Said reasonable expenses, fines and monetary expenses, among other ways, may be collected by the city pursuant to the provisions of Subsection D\_ of this Section.
- D. For purposes of this Section, the personal obligation requirement shall apply to individuals and entities. The Building Official shall give the permit holder and owner of such premises a written notice showing the amount of the penalty, fine and expense and requesting payment thereof. If the amount of such penalty, time and expense are not paid to the Building Official within five (5) days after the date of such notice, the Building Official shall forward a report of the penalty, fine and expense to the City Planning Commission for a confirmation hearing.

**NOTICE OF LIEN**

Pursuant to Chapter 17.152 of the Oakland Planning Code, a penalty, fine and expense in the amount of \$\_\_\_\_; ~~#rule;~~ was assessed by the Building Official, and confirmed by the City Planning Commission against the herein described real property and said amount has not been paid, nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter described real property in said amount; the same shall be a lien upon said real property until said sum has been paid in full. The real property herein above-mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California and particularly described as follows, to wit:

**17.152.220 Web site notice.**

While the city shall make a good faith effort to post revocation notices and determinations on the city's web site, the city's failure to so post shall not constitute error and shall not serve as a basis for invalidating any decision made pursuant to this Chapter.

**17.152.230 Extension of time.**

The complainant, property owner, permit holder and appellant, if applicable, may agree in writing to extend any deadline contained in this Chapter.

**Chapter 17.154 ZONING MAPS****Sections:**

17.154.010 Title, purpose, and applicability.

17.154.020 Maps and designated landmarks.

17.154.040 Maintenance and revision of maps.

17.154.060 Application of regulations to lots divided by zone boundaries.

**17.154.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the Zoning Maps. The purpose of these provisions is to describe the boundaries of zones, and the boundaries and other features of development control maps and designated landmarks and landmark sites, established and amended under the zoning regulations. These provisions shall apply to all property within the city, and to adjoining unincorporated territory where it is rezoned pursuant to Section 17.07.040.B.

**17.154.020 Maps and designated landmarks.**

- A. Section Maps Showing Zone Boundaries. Subject to the provisions of Sections 17.154.030, 17.154.040, and 17.154.050, the zones referred to in the zoning regulations are established, and the boundaries between these zones are established and fixed, as shown on the zoning maps on file with in the City Clerk, 's Office. Said section maps and all subsequent additions and revisions thereto are incorporated as part of this Section.
- B. Legend and Index for Zoning Maps. Subject to the provisions of Section 17.154.040, the legend for the zoning maps are incorporated as part of this Section.
- C. Development Control Maps. Subject to the provisions of Sections 17.154.030, 17.154.040, and 17.154.050, the boundaries and other features of development control maps are established and fixed as shown on the development control maps on file with in the City Clerk, 's Office, including all subsequent amendments thereto, and on such additional development control maps as are hereafter adopted. All such development control maps are incorporated as part of this Section.
- D. Designated Landmarks and Landmarks Sites. Subject to the provisions of Sections 17.154.040 and 17.154.050, the boundaries and other features of designated landmarks and landmark sites are established and fixed as indicated in such ordinances as are hereafter adopted pursuant to Section 17.136.070 and the rezoning and law change procedure in Chapter 17.144. All such ordinances are incorporated as part of this Section.

**17.154.040 Maintenance and revision of maps.**

The Director of City Planning shall properly maintain the zoning maps, the legend and index therefor, the development control maps, and the ordinances designating landmarks and landmark sites. When appropriate he or she shall update these by changing the revision dates thereon and the street pattern, lot lines, or other orientation features, and by indicating approved Planned Unit Developments (PUDs) pursuant to Section 17.140.090. When land is annexed

to Oakland, or rezoned pursuant to Section 17.07.040\_B, he or she shall, where appropriate, create new development control maps with the zoning indicated pursuant to Section 17.154.030. Except as required by Section 17.154.030, however, he or she shall make no changes in zone boundaries or substantive changes in development control maps or designated landmarks and landmark sites and all proposals for such changes shall be considered pursuant to the rezoning and law change procedure in Chapter 17.144.

**17.154.060 Application of regulations to lots divided by zone boundaries.**

Wherever it is found, after applying the rules set forth in Section 17.154.050 for interpretation of zone boundaries, that any lot is divided by a boundary between zones, the provisions of the zoning regulations shall apply as follows to such lot:

- B. Application of Regulations Where Subsection A. is Inoperative. Wherever the provisions of Subsection A. of this Section do not apply or the option provided therein is not exercised:
  - 4. The maximum permitted or conditionally permitted number of living units or Floor-Area Ratio, if any, on the lot shall be calculated separately on the basis of the amount of lot area and the density ratio and Floor-Area Ratio applying in each zone. The resulting maximum permitted or conditionally permitted total number of living units or amount of floor area may be distributed on the lot without regard for zone boundaries, except as otherwise provided in Subsection B.1. of this Section and except that the number of living units and amount of floor area within each zone shall not exceed the number or amount which would be allowed on the entire lot if it were completely within such zone.

**Chapter 17.156 DEEMED APPROVED ALCOHOLIC BEVERAGE SALE REGULATIONS**

**Sections:**

Article I - Title and Scope

Article II - Definitions

Article III - Deemed Approved Performance Standards

Article IV - Deemed Approved Status Procedure

Article V - Enforcement Procedure

**Article I Title and Scope**

17.156.010 Title, purpose, and applicability.

17.156.020 Title of Deemed Approved Alcoholic Beverage Sale regulations.

17.156.030 Purpose of Deemed Approved Alcoholic Beverage Sale regulations.

17.156.050 Administrative Hearing Officer.

**17.156.010 Title, purpose, and applicability.**

The provisions of this Chapter shall be known as the title and scope of the Deemed Approved Alcoholic Beverage Sale Regulations. The purpose of these provisions is to specify the title, purposes, and applicability of the Deemed Approved Alcoholic Beverage Sale regulations and to require conformity to said regulations.

(Ord. 11624 § 2, 1993: prior planning code § 15000)

**17.156.020 Title of Deemed Approved Alcoholic Beverage Sale regulations.**

The provisions of this Chapter shall be known as the Deemed Approved Alcoholic Beverage Sale Regulations.

(Ord. 11624 § 2, 1993: prior planning code § 15001)

**17.156.030 Purpose of Deemed Approved Alcoholic Beverage Sale regulations.**

The general purposes of the Deemed Approved Alcoholic Beverage Sale regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that Alcoholic Beverage Sales Commercial Activities that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale regulations comply with the Deemed Approved performance standards at Article III of this Chapter and to achieve the following objectives:



**17.156.050 Administrative Hearing Officer.**

There is created an Alcoholic Beverage Sales Administrative Hearing Officer. The Alcoholic Beverage Sales Administrative Hearing Officer shall be a city staff person and shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular sites as appropriate. This Section is not intended to restrict the powers and duties otherwise pertaining to other city officers or bodies, in the field of monitoring and ensuring the harmony of Alcoholic Beverage Sale Commercial Activities in the city. These parties shall have the powers and duties assigned to them by the Planning Code, by the zoning regulations, by other codes and ordinances, by the City Charter, or by valid administrative authority.

(Ord. 11624 § 2, 1993: prior planning code § 15010)

**Article II Definitions**

**17.156.070 Definitions.**

**17.156.070 Definitions.**

As used in this Chapter:

**"Deemed Approved Activity"** means any Legal Nonconforming Alcoholic Beverage Sales Commercial Activity, as defined in this Section, in existence immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Sale regulations shall be considered a Deemed Approved Activity as long as it complies with the Deemed Approved performance standards as set forth in Section 17.156.090, and shall no longer be considered a Legal Nonconforming Activity.

**"Illegal activity"** means an activity which has been finally determined to be in noncompliance with the Deemed Approved performance standards in Article III of this Chapter. Such an activity shall lose its Deemed Approved Status and shall no longer be considered a Deemed Approved Activity.

**"Performance standards"** means regulations prescribed in the Deemed Approved Performance Standards in Article III of this Chapter.

**Article IV Deemed Approved Status Procedure**

**17.156.120 Notification to owners of Deemed Approved Activities.**

**17.156.120 Notification to owners of Deemed Approved Activities.**

The Officer shall notify the owner of each Deemed Approved Activity, and also the property owner if not the same, of the activity's Deemed Approved Status. Such notice shall be sent via certified return receipt mail; shall include a copy of the performance standards of Article III of this Chapter with the requirement that these be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review; notification that the activity is required to comply with all these same performance standards; that a review fee is

required, and the amount of such fee provided in the master fee schedule; and that the activity is required to comply with all other aspects of the Deemed Approved Alcoholic Beverage Sale regulations. Should the notice be returned, then the notice shall be sent via regular U.S. Mail.

(Ord. 11624 § 2, 1993: prior planning code § 15320)

#### **Article V Enforcement Procedure**

17.156.220 Violations and penalties.

#### **17.156.220 Violations and penalties.**

- | C. Any Violation a Public Nuisance. In addition to the penalties provided in this Section, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is declared to be a public nuisance and may be summarily abated as such by the city.
- | E. Penalties. Any person convicted of an infraction under the provisions of this Section shall be punishable by a fine to the maximum permitted under state law. Any violation beyond the second conviction within a one-year period may be charged by the City Attorney or District Attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under state law.

**Chapter 17.157 DEEMED APPROVED HOTEL AND ROOMING HOUSE REGULATIONS**

**Sections:**

Article I - Title and Scope

Article II - Definitions

Article IV - Deemed Approved Status Procedure

Article V - Enforcement Procedure

**Article I Title and Scope**

17.157.010 Title.

17.157.020 Purpose of Deemed Approved Hotel regulations.

17.157.040 Administrative Hearing Officer.

**17.157.010 Title.**

The provisions of this Chapter shall be known as the Deemed Approved Hotel Regulations.

**17.157.020 Purpose of Deemed Approved Hotel regulations.**

The general purposes of the Deemed Approved Hotel Regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that Hotels and Rooming Houses that were Legal Nonconforming Activities immediately prior to the effective date of the Deemed Approved Hotel Regulations comply with the Deemed Approved performance standards at Article III, Section 17.157.060 of this Chapter and to achieve the following objectives:

**17.157.040 Administrative Hearing Officer.**

There is created a Hotel Administrative Hearing Officer. The Hotel Administrative Hearing Officer shall conduct public hearings and establish findings and conditions intended to encourage and achieve compliance with the Hotel Performance Standards at Section 17.157.060 of particular sites as appropriate. This Section is not intended to restrict the powers and duties otherwise pertaining to other city officers or bodies, in the field of monitoring and ensuring the harmony of Deemed Approved Hotel Activities in the city. These parties shall have the powers and duties assigned to them by the city codes and ordinances, by the City Charter, or by valid administrative authority.

**Article II Definitions**

17.157.050 Definitions.

**17.157.050 Definitions.**

As used in this Chapter:

"**Deemed Approved Hotel Activity**" means any Hotel or Rooming House that is legal nonconforming and in existence immediately prior to the effective date of the Deemed Approved Hotel regulations. Said business(es) shall be considered a Deemed Approved Hotel Activity as long as it complies with the Deemed Approved Hotel performance standards as set forth in Section 17.157.060 of this Chapter. Said business(es) shall no longer be considered a Legal Nonconforming Activity.

**Article IV Deemed Approved Status Procedure**

17.157.090 Notification of owners of Deemed Approved Hotel Activities.

**17.157.090 Notification of owners of Deemed Approved Hotel Activities.**

The city shall notify the owner of each Deemed Approved Hotel Activity, and also the property owner if not the same, of the activity's Deemed Approved Status. Such notice shall be sent via certified return receipt mail; shall include a copy of the performance standards of Article III of this Chapter; notification that the activity is required to comply with all these same performance standards; and that the activity is required to comply with all other aspects of the Deemed Approved Hotel regulations. Should the notice be returned, then the notice shall be sent via regular U.S. Mail.

**Article V Enforcement Procedure**

17.157.180 Violations and penalties.

**17.157.180 Violations and penalties.**

- C. Any Violation a Public Nuisance. In addition to the penalties provided in this Section, any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is declared to be a public nuisance and may be abated as such by the city after appropriate notice and opportunity to be heard.
- E. Penalties. Any person convicted of an infraction under the provisions of this Section shall be punishable by a fine to the maximum permitted under state law. Any violation beyond the second conviction within a one-year period may be charged by the City Attorney or District Attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under State law.