

EXHIBIT A: Proposed Amendments to the Oakland Planning Code

**PROPOSED PLANNING CODE AMENDMENTS**

*The following are the Planning Code amendments proposed by staff. Deletions are in ~~strike out~~ and additions are underlined.*

**Chapter 17.09 DEFINITIONS**

**Sections:**

17.09.040 Definitions.

**"Mini-lot Planned Unit Development" or "Mini-Lot PUD"** means a comprehensively designed development approved pursuant to Planning Code Chapter 17.142 and containing a subdivision of lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

**"~~Secondary~~Accessory Dwelling Unit" or "ADU"** means an interior, attached or detached ~~accessory~~ dwelling unit that is accessory to a proposed or existing primary Residential Facility located on the same lot ~~as a One-Family Dwelling facility;~~ provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; meets the standards and criteria of Section 17.103.080 and Chapter 17.88; and conforms to one or more of the following permitted ADU types:

- A. "Junior Accessory Dwelling Unit" or "JADU"** means an Accessory Dwelling Unit that is contained entirely within the building envelope of an existing or proposed One-Family Residential Facility. It may include separate sanitation facilities or may share sanitation facilities with the primary Residential Facility, but must contain an efficiency kitchen. A JADU is not allowed as a conversion of detached or attached accessory structures. Owner occupancy is required in either the JADU or the primary Residential Facility. The owner of the JADU is required to record a deed restriction setting forth this requirement.
- B. "One-Family Category One ADU"** means an Accessory Dwelling Unit that is a conversion of space within an existing One-Family Residential Facility or an associated legally existing accessory structure, or an existing associated accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.01.
- C. "One-Family Category Two ADU"** means a newly constructed attached or detached Accessory Dwelling Unit on a lot with an existing or proposed One-Family Dwelling Residential Facility. A One-Family Category Two ADU may include an exterior addition to an existing primary One-Family Residential Facility for the purposes of accommodating the ADU.
- D. "Multifamily Category One ADU"** means an Accessory Dwelling Unit that is a conversion of a legally existing, non-habitable space, such as storage rooms, boiler rooms, passageways, attics, basements, or garages located within legally existing portions of Two-Family or Multifamily Dwelling Facilities. Non-habitable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any finished spaces that are meant to be occupied by people and used communally.

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**E. “Multifamily Category Two ADU”** means a newly constructed detached Accessory Dwelling Unit, or a conversion of a legally existing detached accessory structure, on a lot with existing Two-Family or Multifamily Dwelling Facilities. A converted detached Category Two ADU(s) is either: (a) within the building envelope of an existing detached accessory structure and involves no expansion of existing building envelope; or (b) within a rebuilt detached accessory structure built in the same location and to the same exterior dimension as the existing detached accessory structure(s).

**F. “Multifamily Category Three ADU”** means a newly constructed ADU that is interior or attached to a primary structure, or a conversion of a legally existing attached accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.02, or a combination of both new construction and conversion for the purposes of creating only one ADU on the lot.

~~“Junior Accessory Dwelling Unit”, see Accessory Dwelling Unit.~~

~~“Regular Dwelling Unit” means any dwelling unit other than an Efficiency Dwelling Unit, Rooming Unit, or an Secondary Accessory Dwelling Unit.~~

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**Chapter 17.10 USE CLASSIFICATIONS**

**Sections:**

**Article I - General Classification Rules**

**Article II - Activity Types**

Part 1 - Residential Activity Types

**Article III - Facility Types**

Part 1 - Residential Facility Types

**Article I General Classification Rules**

17.10.060 Listing of facility classifications.

**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.

- A. Residential Facilities:
  - One-Family Dwelling
  - ~~One-Family Dwelling with Secondary Unit~~

**Article II Activity Types**

**Part 1 Residential Activity Types**

17.10.125 Bed and Breakfast Residential Activities.

**17.10.125 Bed and Breakfast Residential Activities.**

- 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;

**Article III Facility Types**

**Part 1 Residential Facility Types**

- 17.10.640 One-Family Dwelling Residential Facilities.
- ~~17.10.650 One-Family Dwelling with Secondary Unit Residential Facilities.~~
- 17.10.670 Two-Family Dwelling Residential Facilities.
- 17.10.680 Multifamily Dwelling Residential Facilities.
- 17.10.690 Rooming House Residential Facilities.

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**17.10.640 One-Family Dwelling Residential Facilities.**

One-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains one Regular Dwelling Unit on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. One-Family Dwelling Residential Facilities also include manufactured homes, as defined in Health and Safety Code Section 18007, and mobile homes, as defined in Health and Safety Code Section 18008. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

~~**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 Secondary Unit. They also include certain facilities accessory to the above, as specified in Section 17.10.070.~~

**17.10.670 Two-Family Dwelling Residential Facilities.**

Two-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains two (2) Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. ; ~~but exclude the One Family Dwelling with Secondary Unit Residential Facilities described in Section 17.10.650.~~ They also include certain facilities accessory to the above, as specified in Section 17.10.070.

**17.10.680 Multifamily Dwelling Residential Facilities.**

Multifamily Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains three (3) or more Regular Dwelling Units or Efficiency Dwelling Units on a parcel, along with any Accessory Dwelling Units that may be permitted as set forth in Section 17.103.080 and Chapter 17.88. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

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**Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS**

**Sections:**

17.13.040 Permitted and conditionally permitted facilities.

17.13.050 Property development standards.

**17.13.040 Permitted and conditionally permitted facilities.**

**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(L1)	P(L1)	P(L1)	17.103.080
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Multifamily Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
<b>Telecommunications Facilities</b>					
Monopole Telecommunications	C(L24)	C(L24)	C(L24)	C(L24)	17.128

**Limitations on Table 17.13.02:**

L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

L2.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:

- a1. 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.

**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**

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Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
<b>Minimum Lot Dimensions</b>					
<b>Maximum Density</b>	1 primary dwelling unit per lot				4
<b>Minimum Setbacks</b>					
Minimum front (≤20% street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	<u>4, 5, 6, <del>48</del> 17</u>
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	<u>4, 5, 6, 7, <del>48</del> 17</u>
Minimum interior side ≤20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	<u>4, 8, 9, <del>48</del> 17</u>
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	<u>4, 8, 9, <del>48</del> 17</u>
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	<u>4, 5, 10, <del>48</del> 17</u>
Rear	35 ft.	35 ft.	25 ft.	20 ft.	<u>4, 7, 10, 11, <del>48</del> 17</u>
<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.	25 ft.	25 ft.	25 ft.	<u>4, 13, 14</u>
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	<u>4, 13, 14</u>
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	<u>4, 13, 14</u>
<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%				<u>4</u>
<b>Maximum Wall Length Before Articulation Required</b>	40 ft.	40 ft.	40 ft.	40 ft.	<u>4, 15</u>
<b>Minimum Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<u>4, 16, <del>17</del></u>

**Additional Regulations for Table 17.13.03:**

**4.** See Section 17.103.080 and Chapter 17.88 for development standards applicable to permitted Accessory Dwelling Units. 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.

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~~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.~~

~~48-17. See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.~~

**17.13.060 Special regulations for Planned Unit Developments.**

**Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) 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.

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

**Sections:**

- 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.

**17.15.040 Permitted and conditionally permitted facilities.**

**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(L1)	P(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	<del>—(L1)</del>	C(L1)	<u>17.103.080</u>
Multifamily Dwelling	<del>—(L1)</del>	<del>—(L1)</del>	<u>17.103.080</u>

**Limitations on Table 17.15.02:**

**L1.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, see Table 17.15.03, Property Development Standards, for additional regulations on ~~the this~~ conditionally permitted density in the RD-2 Zone.

**17.15.050 Property development standards.**

**A. Zone Specific Standards.**

**Table 17.15.03: Property Development Standards**

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
<b>Maximum Density</b>			
Permitted density	1 primary dwelling unit per lot	1 primary dwelling unit per lot	3, 4
Conditionally permitted density	N/A	2 units on lots 6,000 sf_ or greater	3, 5
<b>Minimum Setbacks</b>			
Minimum front (<20% street-to-setback gradient)	20 ft.	20 ft.	6, <del>24</del> <u>20</u>



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Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8, <del>24</del> <u>20</u>
Minimum interior side <20% footprint slope	5 ft.	5 ft.	9, 10, <del>24</del> <u>20</u>
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11, <del>24</del> <u>20</u>
Minimum street side	5 ft.	5 ft.	8, 9, 12, <del>24</del> <u>20</u>
Rear	20 ft.	15 ft.	9, 13, 14, <del>24</del> <u>20</u>
<b>Reduced Setbacks for Smaller Lots</b>	See Table 17.15.04 for reduced setbacks for smaller lots		<del>24</del> <u>20</u>
<b>Floor Area Ratio (FAR) and Lot Coverage</b>	See Table 17.15.05		
<b>Minimum Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements		<del>3, 18, 19</del>
<b>Minimum Open Space</b>			
Group open space per Primary Unit	N/A	300 sf	<del>20</del> <u>19</u>
Group open space per Primary Unit when private open space substituted	N/A	100 sf	<del>20</del> <u>19</u>

**Additional Regulations for Table 17.15.03:**

- 3. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
- 4. See Section 17.103.080 and Chapter 17.88 for development standards applicable to permitted Accessory Dwelling Units. 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.
- ~~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.~~
- ~~20-19.~~ 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 of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

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~~24.20.~~ See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.

**17.15.060 Special regulations for ~~Mini-Lot~~ and ~~Planned Unit~~ Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that otherwise apply to individual lots in the RD\_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 (PUD) 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 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.

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

**Sections:**

- 17.17.040 Permitted and conditionally permitted facilities.
- 17.17.050 Property development standards.
- 17.17.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.17.040 Permitted and conditionally permitted facilities.**

**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(L1)	P(L1)	P(L1)	P(L1)	P(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	C(L1)	P(L1)	P(L1)	P(L1)	Same as underlying zone	<u>17.103.080</u>
Multifamily Dwelling	<del>(L1)</del>	C(L1)	C(L1)	P(L1)	Same as underlying zone	<u>17.103.080</u>

**Limitations on Table 17.17.02:**

\* 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.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, ~~See~~ Table 17.17.03, Property Development Standards, for additional regulations on ~~this~~ density.

**17.17.050 Property development standards.**

**A. Zone Specific Standards.**

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Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
<b>Minimum Setbacks for Lots Equal to or Greater than <del>Four Thousand (4,000)</del> Square Feet</b>					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5, 7, 20
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7, 20
<b>Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units</b>	See Table 17.17.05 for <del>FAR and</del> maximum FAR and lot coverage for <u>one<sup>1</sup> or two<sup>2</sup> dwelling units, excluding any permitted Accessory Dwelling Units</u>				<u>19, 21</u>
<b>Maximum Lot Coverage for 3 or More Units</b>	N/A	40%	50%	N/A	<u>19, 21</u>
<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
<u>Minimum height of ground floor Nonresidential Facilities</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>22</u>
<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</b>	40 ft.	40 ft.	40 ft.	40 ft.	15

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Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
<b>Footprint Slope of &gt; 20%</b>					
<b>Minimum Parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				16, 17
<b>Minimum Open Space</b>					
Group open space per Regular Unit	300 sf.	300 sf.	200 sf.	175 sf.	<u>1819</u>
Group open space per Regular Unit when private open space substituted	100 sf.	100 sf.	85 sf.	70 sf.	<u>1819</u>

**Additional Regulations for Table 17.17.03:**

**2.** See Chapter 17.107 for affordable and senior housing incentives; and Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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 primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

~~**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.~~

~~**17.18.** 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. See Section 17.103.080 for aAdditional parking regulations that apply to SecondaryAccessory Dwelling Units. are provided in Section 17.103.080.~~

~~**18.19.** Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.~~

~~**19.** This regulation does not apply in the C Combining Zone.~~

~~**20.** See Section 17.103.085 for setback and separation requirements for Vehicular Residential Facilities.~~

~~**21.** 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.~~

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**22.** This height is only required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor. If the Nonresidential Facility is to be located to the front of a Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP), this height shall also be the maximum allowed for a Nonresidential Facility in the area between the front property line and the front building elevation of the existing historic structure.

**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 for one or two dwelling units associated with the lot sizes listed, excluding any permitted Accessory Dwelling Units. 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**

**Additional Regulations for Table 17.17.05:**

1. Maximum 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.

**17.17.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-lot PUDs), certain regulations that otherwise apply to individual lots in the RM 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 (PUD) 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 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.

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**Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS**

**Sections:**

- 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 Planned Unit Developments.

**17.19.040 Permitted and conditionally permitted facilities.**

**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(L1)	P(L1)	P(L1)	—(L1)	—(L1)	17.103.080
One-Family Dwelling with Secondary Unit	P	P	P	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.080
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	17.103.080

**Limitations on Table 17.19.02:**

**L1.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of See-Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that in the RU-4 and RU-5 Zones, Accessory Dwelling Units are a Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

**17.19.050 Property development standards.**

**A. Zone Specific Standards.**

**Table 17.19.03: Property Development Standards**

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Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
<b>Maximum Residential Density</b>						
Permitted density for Regular Dwelling Units	1 unit per 1,100 sf. of lot area	1 unit per 800 sf. of lot area	1 unit per 450 sf. 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. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	
<b>Height Regulations</b>						
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	<u>15 ft. 12 ft.</u>	<u>15 ft. 12 ft.</u>	12

**Additional Regulations for Table 17.19.03:**

- 2. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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.
- 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. See Section 17.103.080 for a~~Additional parking regulations that apply to Secondary Accessory Dwelling Units. ~~are provided in Section 17.103.080.~~
- 19. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. 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 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	
Maximum Height	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	1, 2
<b>Height Minimum</b>							
<b><u>Maximum Residential Density (square feet of lot area required per dwelling unit)</u></b>							



**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
Regular Dwelling Units <del>Maximum Residential Density</del> (square feet of lot area required per unit)	550 sf.	450 sf.	375 sf.	275 sf.	225 sf.	225 sf.	4, 5
Rooming Units	<u>550 sf.</u>	<u>450 sf.</u>	<u>375 sf.</u>	<u>275 sf.</u>	<u>225 sf.</u>	<u>225 sf.</u>	<u>4, 5</u>
<b>Maximum Nonresidential FAR</b>	2.0	2.5	3.0	4.0	4.0	4.0	4, 5
<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
Group usable open space per Regular Unit when private open space substituted	30 sf.	30 sf.	30 sf.	30 sf.	20 sf.	20 sf.	6
Group usable open space per Rooming Unit	75 sf.	75 sf.	75 sf.	75 sf.	50 sf.	50 sf.	6
Group usable open space per Rooming Unit when private open space is substituted	15 sf.	15 sf.	15 sf.	15 sf.	10 sf.	10 sf.	6

**Additional Regulations for Table 17.19.04:**

4. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. ~~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 primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

6. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

**17.19.060 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-lot PUDs), certain regulations that apply to individual lots in the RU 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 (PUD) regulations in Chapter 17.142 if they exceed the sizes

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

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 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.

# EXHIBIT A: Proposed Amendments to the Oakland Planning Code

## Chapter 17.30 R-80 HIGH-RISE APARTMENT RESIDENTIAL ZONE REGULATIONS

### Sections:

- 17.30.070 Permitted facilities.
- 17.30.090 Special regulations applying to certain Commercial Activities.
- 17.30.100 Performance standards for Commercial Activities.
- 17.30.110 Use permit criteria for Commercial Activities.
- 17.30.140 Maximum residential density.
- 17.30.180 Minimum usable open space.
- 17.30.200 Special regulations for ~~Mini-Lot Developments~~, Planned Unit Developments, and Large-Scale Developments.

### 17.30.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

#### A. Residential Facilities:

- One-Family Dwelling
- ~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~
- Two-Family Dwelling
- Multifamily Dwelling

### 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 primary 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 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Subsection 17.102.270.B and an Accessory Dwelling Secondary Unit.

#### A. Permitted Density.

1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) 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. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
5. One-Family Dwelling. 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

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.30.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**17.30.200 Special regulations for ~~Mini-Lot Developments~~, ~~Planned Unit Developments~~, and ~~Large-Scale Developments~~.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the R-80 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 (PUD) 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 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 developments where a valid Planned Unit Development permit is in effect.

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

**Sections:**

- 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.

**17.33.040 Permitted and conditionally permitted facilities.**

**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)	17.103.080
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	17.103.080
Multifamily Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	17.103.080

**Limitations on Table 17.33.02:**

**L1.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also applicable are the provisions of ~~See~~ Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. ~~A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.~~

**17.33.050 Property development standards.**

**Table 17.33.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
<b>Design Regulations</b>					
<del>Minimum ground floor nonresidential facade transparency for ground floor Nonresidential Facilities</del>	65%	65%	65%	N/A	9

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum height of ground floor Nonresidential Facilities	15 ft. 42 ft.	15 ft. 42 ft.	15 ft. 42 ft.	15 ft. 42 ft.	10
<b>Minimum required parking</b>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				14

**Additional Regulations for Table 17.33.03:**

**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 activity 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 Additional Regulation 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.

**10.** This height is only required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor. ground floor ceiling.

**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 of 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 Additional Regulation 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. See Section 17.103.080 for a~~Additional parking regulations that apply to Secondary Accessory Dwelling Units. are provided in Section 17.103.080.

**B. Height, Floor Area Ratio (FAR), Density, and Open Space.**

**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 Residential Density (square feet of lot area required per dwelling unit)</b>							
Regular Dwelling Units	550	Same density regulations as	450	375	275	225	4, 5, 6

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
		abutting RH, RD, or RM Zone					
Rooming Units	275	Same density regulations as abutting RH, RD, or RM Zone	225	185	135	110	4, 5, 6
<b>Usable Open Space (square feet per residential unit)</b>							
Group usable open space per Regular Dwelling Unit	150	Same open space regulations as abutting RH, RD, or RM Zone	150	150	150	100	6, 7
Group usable open space per Regular Dwelling Unit when private open space substituted	30	Same open space regulations as abutting RH, RD, or RM Zone	30	30	30	20	6, 7
Group usable open space per Rooming Unit	75	Same open space regulations as abutting RH, RD, or RM Zone	75	75	75	50	6, 7
Group usable open space per Rooming Unit when private open space is substituted	15	Same open space regulations as abutting RH, RD, or RM Zone	15	15	15	10	6, 7

**Additional Regulations for Table 17.33.04:**

4. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. ~~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 Zone, except that One-Family Dwellings, along with one or more Accessory Dwelling Units as specified in Section 17.103.080, are permitted in the 35\* height area regardless of the residential density regulations in the adjacent Zone (see also Table 17.33.02). When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.

7. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space

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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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

**17.33.060 Special regulations for Mini-Lot and Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), 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 (PUD) 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 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.



**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

**Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS**

**Sections:**

- 17.35.040 Permitted and conditionally permitted facilities.
- 17.35.050 Property development standards.
- 17.35.060 Special regulations for Mini-Lot and Planned Unit Developments.

**17.35.040 Permitted and conditionally permitted facilities.**

**Table 17.35.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Residential Facilities</b>				
One-Family Dwelling	—(L1)	—(L1)	—(L1)(L7)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)(L7)</del>	<del>17.103.080</del>
Two-Family Dwelling	<u>P(L2)(L8)</u>	<u>P(L3)(L8)</u>	<del>—(L1)(L7)</del>	<u>17.103.080</u>
Multifamily Dwelling	<u>P(L2)(L8)</u>	<u>P(L3)(L8)</u>	<del>—(L1)(L7)</del>	<u>17.103.080</u>

**Limitations on Table 17.35.02:**

- L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted in the CC-1 and CC-2 Zones when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. ~~A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.~~
- L2.** Construction of new ground floor Residential Facilities is only permitted if part of a development that has a majority of the ground floor area is devoted to Commercial Activities.
- L7.** All new Residential Facilities are prohibited in the CC-3 Zone, except for ~~Secondary Units that meet all requirements set forth in Section 17.103.080 and are located on a lot with an existing One-Family Dwelling, as indicated in Limitation L1 above, and for those facilities~~ approved in conjunction with serving a permitted or conditionally permitted Emergency Shelter Activity, as indicated in Table 17.35.01.
- L8.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.35.050 Property development standards.**

**A. Zone Specific Standards.**

**Table 17.35.03: Property Development Standards**

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
<b>Design Regulations</b>				
Minimum <del>ground floor nonresidential</del> facade transparency <u>of ground floor Nonresidential Facilities</u>	N/A	55%	N/A	9
Minimum height of ground floor Nonresidential Facilities	<u>15 ft.</u> <del>N/A</del>	<u>15 ft. 42 ft.</u>	<u>15 ft.</u> <del>N/A</del>	10

**Additional Regulations for Table 17.35.03:**

9. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, 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 activity 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 Additional Regulation 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.

10. This height is only required for new principal buildings with ground floor Nonresidential Facilities located within twenty (20) feet of the principal street; and is measured from the sidewalk grade to the second story floor. ~~frontage and is measured from the sidewalk grade to the ground floor ceiling.~~

12. For the construction of new principal buildings in the CC-2 Zone, 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 frontage, 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 Additional Regulation 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. See Section 17.103.080 for a~~Additional parking regulations that apply to Secondary Accessory Dwelling Units. ~~are provided in Section 17.103.080.~~

**6.B. Height, Floor Area Ratio (FAR), Density, and Open Space.**

**Table 17.35.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

Regulation	Height Area								Additional Regulations
	35	45	<u>55</u>	60	75	90	120	160	
<b>Maximum Height</b>	35 ft.	45 ft.	<u>55 ft.</u>	60 ft.	75 ft.	90 ft.	120 ft.	160 ft.	1, 2

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Regulation	Height Area								Additional Regulations
	35	45	<u>55</u>	60	75	90	120	160	
<b>Height Minimum</b>									
Permitted height minimum	N/A	N/A	<u>35 ft.</u>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	<u>25 ft.</u>	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 Dwelling Units	550	450	<u>375</u>	375	275	225	225	225	4, 5
Rooming Units	275	225	<u>185</u>	185	135	110	110	110	4, 5
Efficiency Dwelling Units	275	225	<u>185</u>	185	135	110	110	110	4, 5
<b>Maximum Nonresidential FAR</b>	2.0	2.5	<u>3.0</u>	3.0	4.0	4.5	5.0	5.0	4, 5
<b>Maximum number of stories (not including underground construction)</b>	3	4	<u>5</u>	5	7	8	11	15	
<b>Minimum Usable Open Space</b>									
Group usable open space per Regular Dwelling Unit	150	150	<u>150</u>	150	150	100	100	100	6
Group usable open space per Regular Dwelling Unit when private open space substituted	30	30	<u>30</u>	30	30	20	20	20	6
Group usable open space per Rooming Unit	75	75	<u>75</u>	75	75	50	50	50	6
Group usable open space per Rooming Unit when private open space is substituted	15	15	<u>15</u>	15	15	10	10	10	6

**Additional Regulations for Table 17.35.04:**

4. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

EXHIBIT A: Proposed Amendments to the Oakland Planning Code

**17.35.060 Special regulations for ~~Mini-Lot~~ and Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CC 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 (PUD) 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 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.

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

**Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS**

**Sections:**

- 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~~ Planned Unit Developments.

**17.37.030 Permitted and conditionally permitted activities.**

**Table 17.37.01: Permitted and Conditionally Permitted Activities**

Activities	Zone	Additional Regulations
	CR-1	
<b>Residential Activities</b>		
Residential Care	—	
Emergency Shelter	C(L1)	17.103.010
Semi-Transient	<del>C(L1)</del>	

**Limitations on Table 17.37.01:**

**L1.** No ~~Residential Care or Emergency Shelter Residential Activity~~ Residential Activity shall be located closer than three hundred (300) feet from any Residential Care Residential Activity or other such Emergency Shelter Residential Activity or Facility. See Section 17.103.010 for other regulations regarding these Activities.

**17.37.040 Permitted and conditionally permitted facilities.**

**Table 17.37.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zone	Additional Regulations
	CR-1	
<b>Residential Facilities</b>		
One-Family Dwelling	<del>—(L1)(L3)</del>	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	
Two-Family Dwelling	<del>—(L1)(L3)</del>	<u>17.103.080</u>
Multifamily Dwelling	<del>—(L1)(L3)</del>	<u>17.103.080</u>
Rooming House	<del>—(L1)(L3)</del>	

**Limitations on ~~for~~ Table 17.37.02:**

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**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.

**L3.** All new Residential Facilities are prohibited in the CR-1 Zone, except for those facilities approved in conjunction with a conditionally permitted Emergency Shelter or Semi-Transient Residential Activity, as indicated in Table 17.37.01.

**17.37.060 Special regulations for ~~Mini-Lot~~ and Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the CR 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 (PUD) 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 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.

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**Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS**

**Sections:**

- 17.54.070 Permitted facilities.
- 17.54.130 Maximum residential density.
- 17.54.170 Minimum usable open space.
- 17.54.190 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.54.070 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

A. Residential Facilities:

- One-Family Dwelling
- ~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~
- Two-Family Dwelling
- Multifamily Dwelling
- Rooming House
- Vehicular

**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 primary 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 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. ~~No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and an Accessory Dwelling Secondary Unit.~~

A. Permitted Density.

1. Regular Dwelling Units. One (1) 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. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
5. One-Family Dwelling. 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. See Section

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17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.54.170 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. 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 thirty (30) square feet per Regular Dwelling Unit, plus fifteen (15) square feet per Rooming Unit or Efficiency Dwelling Unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**17.54.190 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the C-40 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 (PUD) 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 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.



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Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

Sections:

- 17.56.070 Permitted facilities.
- 17.56.140 Maximum residential density.
- 17.56.180 Minimum usable open space.
- 17.56.200 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

17.56.070 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

- A. Residential Facilities:
  - One-Family Dwelling
  - ~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~
  - Two-Family Dwelling
  - Multifamily Dwelling

17.56.140 Maximum residential density.

- A. Permitted Density.
  1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) 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. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
  3. Rooming Units. One (1) 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.
  5. One-Family Dwelling. 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. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory 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;

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- 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.

**17.56.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more dwelling living-units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**17.56.200 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), 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 (PUD) 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.

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**Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS**

**Sections:**

17.58.050 Permitted and conditionally permitted facilities.

17.58.070 Usable open space standards.

**17.58.050 Permitted and conditionally permitted facilities.**

**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 Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>—(L1)</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	<u>17.103.080</u>

**Limitations on Table 17.58.02:**

**L1.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. See also Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. ~~A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.~~

**17.58.060 Property development standards.**

**A. Zone Specific Standards.**

**Table 17.58.03: Property Development Standards**

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
<b>Design Regulations</b>					
<u>Minimum Ground floor commercial-facade transparency of ground floor Nonresidential Facilities</u>	55%	65%	55%	55%	6
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	7

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**Additional Regulations for Table 17.58.03:**

7. This height is required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor.

**17.58.070 Usable open space standards.**

- 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 dwelling living-units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per Regular 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**

**Notes for Table 17.58.05:**

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**Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS**

**Sections:**

- 17.65.030 Permitted, conditionally permitted, and prohibited activities.
- 17.65.040 Permitted and conditionally permitted facilities.
- 17.65.070 Maximum density.
- 17.65.120 Minimum usable open space.
- 17.65.130 Landscaping, paving, and buffering.
- 17.65.170 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**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.

**Table 17.65.01: Permitted, Conditionally Permitted, and Prohibited Activities**

Activity	Regulations				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	

**Limitations on Table 17.65.01:**

**17.65.040 Permitted and conditionally permitted facilities.**

**Table 17.65.02: Permitted and Conditionally Permitted Facilities**

Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
<b>Residential Facilities</b>					
One-Family Dwellings	P(L4)	P(L3)(L4)	P(L3)(L4)	C(L3)(L4)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>C</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	<u>17.103.080</u>

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Facility Types	Zones				Additional Regulations
	HBX-1	HBX-2	HBX-3	HBX-4	
Multifamily Dwelling	P(L4)	P(L4)	P(L4)	C(L4)	<u>17.103.080</u>

**Limitation on Table 17.65.02:**

**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 Ceonditional Use Permit (see Chapter 17.134 for the CUP procedure). However, this requirement does shall not apply to the expansion of the floor area or other alteration of an existing Single-One-Family Dwelling.

**L4.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**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

**Notes:**

1. See ~~(1)~~Section 17.103.080 for regulations regarding permitted SecondaryAccessory Dwelling Units; ~~(2)~~Chapter 17.107 for affordable housing density incentives; and ~~(3)~~Section 17.106.060 for increased density for senior housing.

**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

**Notes:**

Usable open space is only required on lots with two (2) or more dwelling units, excluding and not required for a One-Family Dwelling with Secondaryany permitted Accessory Dwelling 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.

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**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 ~~Secondary~~any permitted Accessory Dwelling Units, and for additions to existing building facilities of over five hundred (500) square feet.

**17.65.170 Special regulations for ~~Mini-Lot and~~Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), 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 (PUD) 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.

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**Chapter 17.72 M-20, M-30, AND M-40 INDUSTRIAL ZONES REGULATIONS**

**Sections:**

17.72.040 Permitted and conditionally permitted facilities.

17.72.060 Special Regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.72.040 Permitted and conditionally permitted facilities.**

**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)	—	17.103.015
<del>One-Family Dwelling with Secondary Unit</del>	<del>—</del>	<del>—(L4)</del>	<del>—</del>	<del>17.103.080</del>
Two-Family Dwelling	—	—(L4)	—	17.103.015
Multifamily Dwelling	—	—(L4)	—	17.103.015

**17.72.060 Special Regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), 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 (PUD) 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.



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Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS

Sections:

- 17.74.050 Permitted facilities.
- 17.74.120 Maximum residential density.
- 17.74.160 Minimum usable open space.
- 17.74.180 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.

**17.74.050 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

- A. Residential Facilities:
  - One-Family Dwelling
  - ~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~
  - Two-Family Dwelling
  - Multifamily Dwelling

**17.74.120 Maximum residential density.**

- A. Permitted Density.
  - 5. One-Family Dwelling. 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. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.74.160 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**17.74.180 Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-1 Zone may be waived or modified when and as prescribed in Chapter 17.142.

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B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) 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.

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Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS

Sections:

- 17.76.070 Permitted facilities.
- 17.76.140 Maximum residential density.
- 17.76.180 Minimum usable open space.

**17.76.070 Permitted facilities.**

The following facilities, as described in the use classifications in Chapter 17.10, are permitted. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units:

- A. Residential Facilities:
  - One-Family Dwelling
  - ~~One-Family Dwelling with Secondary Unit, subject to the provisions specified in Section 17.103.080~~
  - Two-Family Dwelling
  - Multifamily Dwelling

**17.76.140 Maximum residential density.**

- A. Permitted Density.
  - 5. One-Family Dwelling. 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. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.76.180 Minimum usable open space.**

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, plus seventy-five (75) square feet per Rooming Unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

**17.76.200 Special regulations for ~~Mini-Lot Developments,~~ Planned Unit Developments, and large-scale developments.**

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), 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.

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- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) 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.

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Chapter 17.88 S-9 FIRE SAFETY PROTECTION COMBINING ZONE REGULATIONS

Sections:

- 17.88.010 Title, Purpose and Applicability.
- 17.88.020 ~~Definitions~~Findings.
- 17.88.030 ~~Zones with which the S-9 Zone may be combined~~Definitions.
- 17.88.040 ~~Prohibited land uses~~Zones with which the S-9 Zone may be combined.
- 17.88.050 Prohibited land uses.

17.88.010 Title, Purpose and Applicability.

The intent of the S-9 Fire Safety Protection Combining Zone is to promote the public health, safety and welfare by ensuring that activities and facilities that are located, in whole or part, within or adjacent to Very High Fire Hazard Severity Zones (VHFHSZs) as designated by the California Department of Forestry and Fire Protection (CAL FIRE), and accessed from streets that are less than twenty-six (26) feet in width at any point or cul-de-sacs that do not meet emergency access standards, develop in such a manner as not to be a serious threat to public health or safety.

S-9 Fire Safety Protection Combining Zone is mapped using the following criteria:

- A. Lots located, in whole or part, within or adjacent to VHFHSZs and one of the following criteria is met:
- B. The lot is accessed by streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) with a pavement width of less than twenty-six (26) feet at any point; or
- C. Where a lot is located on a dead-end street that has a total length of six hundred (600) feet or longer from the nearest intersection. 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 shared access facility/private access easement is connected to said dead-end street.

17.88.020 ~~Definitions~~Findings.

For the purposes of this regulation, the following definitions apply:

- A. ~~**Very High Fire Hazard Severity Zones.** Very High Fire Hazard Severity Zones are identified by the California Department of Forestry and Fire Protection (CAL FIRE) within Local Responsibility Areas (LRA), including the City of Oakland. Mapping of Very High Fire Hazard Severity Zones (VHFHSZ) is based on data and models of potential fuels over a given time horizon and their associated expected fire behavior and burn probabilities to quantify the likelihood of vegetation fire exposure to buildings.~~
- A. Portions of Oakland that are within the VHFHSZ include areas of Oakland Hills that suffered from the devastating Oakland firestorm in 1991.
- B. California’s fire risk appears to grow each year as a result of the climate change with higher temperatures and an increase in drought conditions.

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- C. Evolving data from recent wildfires display new extreme fire behavior not observed by the OFD previously.
- D. During recent wildfires in California people perished in their cars on blocked roads because they could not escape in time.
- E. New mapping and evacuation software management tools available to Oakland Fire Department (OFD) show that current road and intersection capacity in VHFHSZ is not adequate for the existing population in the events of mass emergency evacuations, additional units and vehicles within the VHFHSZ will increase the evacuation problem.
- F. OFD indicates that roads within VHFHSZ are likely to develop “choke points” during emergency evacuations, thereby blocking the free flow of traffic throughout the VHFHSZ.
- G. Physical dimensions of streets (width and cul-de-sac length) along with the number of vehicles in VHFHSZ are the two largest factors during emergency evacuations that contribute to developing of the “choke points.”
- H. Streets that are less than twenty-six (26) feet wide or dead-end streets that are longer than six hundred (600) feet do not meet minimum emergency access standards as specified in Municipal Code Section 16.16.025(C)(1), and are at high risk of being blocked during emergency evacuations as well as blocking access for emergency vehicles to respond to emergencies.
- I. Oakland Local Hazard Mitigation Plan points out existing vulnerable and isolated populations in VHFHSZ areas.
- J. Oakland Vegetation Management Report underscores the fact that the area within the VHFHSZ is susceptible to large-scale, high intensity, and rapidly spreading wildfires because of the VHFHSZ unique combination of topography, vegetation, prolonged droughts, winds, and other climatic conditions.

**17.88.030 ~~Zones with which the S-9 Zone may be combined~~ Definitions.**

~~The S-9 Zone may be combined with any other zone.~~

For the purposes of this regulation, the following definitions apply:

- A. **Very High Fire Hazard Severity Zones.** Very High Fire Hazard Severity Zones are identified by the California Department of Forestry and Fire Protection (CAL FIRE) within Local Responsibility Areas (LRA), including the City of Oakland. Mapping of Very High Fire Hazard Severity Zones (VHFHSZ) is based on data and models of potential fuels over a given time horizon and their associated expected fire behavior and burn probabilities to quantify the likelihood of vegetation fire exposure to buildings.

**17.88.040 ~~Prohibited land uses~~ Zones with which the S-9 Zone may be combined.**

~~The following land use activities or facilities are prohibited within the S-9 Fire Safety Protection Combining Zone:~~

- ~~A. Category Two Secondary Units, as defined in Section 17.103.080.~~

The S-9 Zone may be combined with any other zone.

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**17.88.0450 Prohibited land uses.**

The following land use activities or facilities are prohibited within the S-9 Fire Safety Protection Combining Zone:

- A. ~~Category Two Secondary~~The following Accessory Dwelling Units (ADUs) as defined in Sections 17.09.040 and 17.103.080:
  - 1. One Family and Multifamily Category One Accessory Dwelling Units that are conversions of space outside the envelope of an existing Residential Facility;
  - 2. More than one Multifamily Category One Accessory Dwelling Unit that is within the existing envelope of an existing Residential Facility per lot;
  - 3. One Family and Multifamily Category Two Accessory Dwelling Units;
  - 4. Multifamily Category Three Accessory Dwelling Units.
  
- B. Except for one (1) ADU specified in 1, 2, or 3 above is allowed in lieu of a Category One interior ADU if the following conditions are met:
  - 1. At least one (1) additional off-street parking space is created on the lot for the ADU in addition to any regularly required off-street parking spaces for the primary Residential Facility. Also, any lost parking spaces must be replaced on the lot; or
  - 2. Approved application for Reasonable Accommodation Request pursuant to Chapter 17.131 due to a disability of an ADU occupant or a need to accommodate a live-in caregiver for a person with disability. The Reasonable Accommodation Request must include a reason for the exception. No additional ADU parking is required, but any lost parking spaces must be replaced elsewhere on the lot.

EXHIBIT A: Proposed Amendments to the Oakland Planning Code

**Chapter 17.92 S-11 SITE DEVELOPMENT AND DESIGN REVIEW COMBINING ZONE REGULATIONS**

**Sections:**

17.92.060 Limitations on residential density.

**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. of Section 17.142.110 and the first three sentences of Subsection B. 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 Revision 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/Accessory Dwelling Units in the S-11 Zone as may be approved in accordance with the standards, criteria and conditions in Section 17.103.080 and Chapter 17.88.



**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

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

**Sections:**

- 17.97.050 Permitted and conditionally permitted facilities.
- 17.97.070 Height, floor area ratio (FAR), density, and open space.

**17.97.050 Permitted and conditionally permitted facilities.**

**Table 17.97.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	S-15	S-15W	
<b>Residential Facilities</b>			
One-Family Dwelling	<del>—(L2)C</del>	—(L2)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>—(L3)</del>	<del>—(L3)</del>	<del>17.103.080</del>
Two-Family Dwelling	C(L3)	C(L3)	<u>17.103.080</u>
Multifamily Dwelling	P(L3)	P(L3)	<u>17.103.080</u>

**Limitations on Table 17.97.02:**

- L1.** No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.
- L2.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.
- L3.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit that meets all requirements set forth in Section 17.103.080 is permitted in conjunction with an existing One-Family Dwelling in the S-15 and S-15W Zones, or conditionally permitted in conjunction with a new One-Family Dwelling in the S-15 Zone.

**17.97.070 Height, floor area ratio (FAR), density, and open space.**

Table ~~17.97.04~~ 17.97.04 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 17.97.04 ~~17.97.04~~ Height, Floor Area Ratio (FAR), Density, and Open Space Regulations**

# EXHIBIT A: Proposed Amendments to the Oakland Planning Code

## Additional Regulations for Table ~~17.97.04~~ ~~17.97.04~~ ~~17.97.04~~:

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 ~~17.97.04~~ ~~17.97.04~~ ~~17.97.04~~ [Additional Regulation 1], below).

Illustration for Table ~~17.97.04~~ ~~17.97.04~~ [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; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table ~~17.97.04~~ ~~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 in certain situations.

Illustration Table ~~17.97.04~~ ~~17.35.04~~ [Additional Regulation 2]  
\*for illustration purposes only

4. See Chapter 17.107 for affordable and senior housing incentives, and ~~Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units. 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 primary dwelling unit, and the provisions of ~~Section 17.102.300~~ with respect to dwelling units with five (5) or more bedrooms.

6. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. 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, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

## 17.97.090 Special regulations for ~~Mini-Lot and Planned Unit Developments.~~

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the S-15 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 (PUD) 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-15 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.

EXHIBIT A: Proposed Amendments to the Oakland Planning Code

**Chapter 17.99 S-17 DOWNTOWN RESIDENTIAL OPEN SPACE COMBINING ZONE REGULATIONS**

**Sections:**

17.99.050 Usable open space standards for residential development.

**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:

- A. **Area.** On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per Regular Dwelling Unit, standard unit, fifty (50) square feet per Efficiency Dwelling Unit, and thirty-eight (38) square feet per Rooming Unit.

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

**Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS**

**Sections:**  
 17.101C.050 - Property development standards.

**17.101C.040 - Permitted and conditionally permitted facilities.**

**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)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)(L1) 1)	—(L1)	<u>17.103.080</u>
Multifamily Dwelling	C(L2)(L1) 1)	P(L3)(L1) 1)	P(L4)(L1) 1)	P(L11)	P(L5)(L1) 1)	<u>17.103.080</u>

**Limitations on Table 17.101C.02:**

**L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.

**L11.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.101C.050 - Property development standards.**

**A. Zone Specific Standards.**

**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>Design Regulations</b>						

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	11

**Additional Regulations for Table 17.101C.03:**

11. This height is required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor.

**B. Height, Floor Area Ratio (FAR), Density, and Open Space.**

**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 Residential Density (square feet of lot area required per dwelling unit)</b>									
Regular Dwelling 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

**Additional Regulations for Table 17.101C.04:**

5. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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 primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

13. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 Zone, and N Combining Zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of 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 Additional Regulation Note-12, above.

**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.

EXHIBIT A: Proposed Amendments to the Oakland Planning Code

**Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space**

**Additional Regulations for Table 17.101C.06:**

3. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

**17.101C.060 - Special regulations for ~~Mini-Lot and~~ Planned Unit Developments.**

- A. Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the D-BV Zones 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 (PUD) 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 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.

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

**Chapter 17.101D D-KP KAISER PERMANENTE OAKLAND MEDICAL CENTER DISTRICT ZONES REGULATIONS**

**Sections:**

17.101D.040 Permitted and conditionally permitted facilities.

**17.101D.040 Permitted and conditionally permitted facilities.**

**Table 17.101D.02 Permitted and Conditionally Permitted Facilities**

Facility Types	Zones			Additional Regulations
	D-KP-1	D-KP-2	D-KP-3	
<b>Residential Facilities</b>				
One-Family Dwelling	P(L3)	P(L3)	P(L3)	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>17.103.080</del>
Two-Family Dwelling	P(L3)	P(L3)	P(L3)	<u>17.103.080</u>
Multifamily Dwelling	P(L3)	P(L3)	P(L3)	<u>17.103.080</u>

**Limitations on Table 17.101D.02:**

**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 Civic Activities, seasonal sales, or special events.

**L3.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

**Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS**

**Sections:**

17.101E.040 Permitted and conditionally permitted facilities.

17.101E.050 Property development standards.

**17.101E.040 Permitted and conditionally permitted facilities.**

**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(L5)	—(L1)	—(L1)	—(L1)	17.103.080
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	17.103.080
Multifamily Dwelling	—(L1)	—(L1)	P(L5)	P(L5)	—(L1)	—(L1)	17.103.080

**Limitations on Table 17.101E.02:**

**L1.** See Chapter 17.114 - Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted in the D-CE-4 Zone when there is an existing primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.

**L5.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.101E.050 Property development standards.**

**A. Zone Specific Standards.**

**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	

**Additional Regulations for Table 17.101E.03:**

**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 dwelling living units, excluding any permitted



## EXHIBIT A: Proposed Amendments to the Oakland Planning Code

Accessory Dwelling 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.

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. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. 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 primary 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 Ceonditional Uuse Ppermit (see Chapter 17.134 for the Ceonditional Uuse Ppermit process). This requirement does not apply to the expansion of the floor area or other alteration of an existing Single One-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) or more Residential or Live/Work units, excluding any permitted Accessory Dwelling Units. ~~or more, and not required for a One-Family Dwelling with Secondary Unit.~~ 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").

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 any permitted Accessory Dwelling Secondary Units. The landscaping and buffering plan shall contain the following:

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. See Section 17.103.080 for aAdditional parking regulations that apply to SecondaryAccessory Dwelling Units. are provided in Section 17.103.080.~~

### 17.101E.090 Special Regulations for Mini-lot and Planned Unit Developments.

- A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), 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 (PUD) 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.

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

**Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS**

**Sections:**

17.101F.040 Permitted and conditionally permitted facilities.

**17.101F.040 Permitted and conditionally permitted facilities.**

**Table 17.101F.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zone	Additional Regulations
	<b>D-GI</b>	
<b>Residential Facilities</b>		
One-Family Dwelling	—	
<del>One-Family Dwelling with Secondary Unit</del>		—
Two-Family Dwelling	—	
Multifamily Dwelling	—	

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

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

**Sections:**

17.101G.040 Permitted and conditionally permitted facilities.

17.101G.050 Property development standards.

**17.101G.040 Permitted and conditionally permitted facilities.**

**Table 17.101G.02: Permitted and Conditionally Permitted Facilities**

Facilities	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)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	—(L5)	—(L5)	—(L5)	—(L5)	—(L5)	<u>17.103.080</u>
Two-Family Dwelling	P(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	<u>17.103.080</u>
Multifamily Dwelling	P(L6)	P(L6)	P(L6)	P(L6)	P(L6)	<u>17.103.080</u>

**Limitations on Table 17.101G.02:**

**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

**L5.** ~~A Secondary Unit that meets all requirements set forth in Section 17.103.080 is permitted in conjunction with an existing One-Family Dwelling. Also, a~~ A Two-Family Dwelling that meets all applicable requirements set forth in the Planning and Building Codes is permitted if it is the result of an approved conversion of an existing One-Family Dwelling.

**L6.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.101G.050 Property development standards.**

**A. Zone Specific Standards.**

**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>Design Regulations</b>						

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Minimum Ground floor commercial facade transparency of ground floor Nonresidential Facilities	55%	65%	55%	55%	55%	5
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	6

**Additional Regulations for Table 17.101G.03:**

5. 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 (1/2) 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 ~~activity 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 new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor.

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

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

**Sections:**

17.101H.040 Permitted and conditionally permitted facilities.

**17.101H.040 Permitted and conditionally permitted facilities.**

**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	—(L4)	—(L4)	—	—	—	—	<u>17.103.080</u>
<del>One-Family Dwelling with Secondary Unit</del>	—	—	—	—	—	—	<u>17.103.080</u>
Two-Family Dwelling	P(L5)	P(L5)	—	C(L5)	—	—	<u>17.103.080</u>
Multifamily Dwelling	P(L5)	P(L5)	—	C(L5)	—	—	<u>17.103.080</u>

**Limitations on Table 17.101H.02:**

**L4.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

**L5.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units Dwellings.

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

- A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), 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 (PUD) 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.

**EXHIBIT A: Proposed Amendments to the Oakland Planning Code**

**Chapter 17.101J - D-OK OAK KNOLL DISTRICT ZONES REGULATIONS**

**Sections:**

17.101J.040 - Permitted and conditionally permitted facilities.

17.101J.050 - Property development standards.

**17.101J.040 – Permitted and conditionally permitted facilities.**

**Table 17.101J.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones							Additional Regulations
	D-OK-1	D-OK-2	D-OK-3	D-OK-4	D-OK-5	D-OK-6	D-OK-7	
<b>Residential Facilities</b>								
One-Family Dwelling	P(L5)	P(L5)	C(L5)	—	—	—	—	17.103.080
One-Family Dwelling with Secondary Unit	P	P	C	—	—	—	—	17.103.080
Two-Family Dwelling	—	—	P(L5)	—	—	—	—	17.103.080
Multifamily Dwelling	—	—	P(L5)	—	—	—	—	

**Limitations on Table 17.101J.02:**

**L5.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

**17.101J.050 – Property development standards.**

A. **Zone Specific Standards.** Table 17.101J.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 17.101J.03: Property Development Standards**

**Additional Regulations for Table 17.101J.03:**

~~11. Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units. Where a Secondary Unit is permitted in the D-OK Zones (i.e., on a residential lot with only one (1) single family dwelling unit), the requirements in Section 17.103.080 shall apply.~~

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Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Sections:

17.102.270 An additional kitchen for a single dwelling unit.

**17.102.270 An additional kitchen for a single dwelling unit.**

No Residential Facility shall be permitted to have both an additional kitchen as provided for in this section and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. An additional kitchen for a single primary dwelling unit in any Residential Facility may be permitted, without thereby creating an additional dwelling unit, upon the granting of a Ceonditional Uuse Ppermit pursuant to the Ceonditional Uuse Ppermit procedure in Chapter 17.134, and upon determination that all of the following conditions set forth below exist:

- A. That the additional kitchen will be located within the same residential structure as the existing kitchen and solely constitute an additional service facility for the resident household, family or its temporary guests,
- B. That the additional kitchen will not serve as a basis for permanent habitation of an extra household or family on the premises, or the creation of an additional dwelling unit on the premises.
- C. That the additional kitchen is necessary to render habitable a living area occupied by one or more persons related by blood, marriage, or adoption to the resident family or collective household occupying the main portion of the dwelling unit.
- D. There is no Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure in addition to ~~along with the~~ proposed additional kitchen.

However, a Ceonditional Uuse Ppermit under this Subsection shall not be granted in the RH Zones or the RD-1 Zone if the lot contains two (2) or more dwelling units.

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Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:  
Article VI - Residential Facilities

Article VI Residential Facilities

17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two-Family, and Multifamily Dwelling with Secondary Unit-Residential Facilities.

**17.103.080 Accessory Dwelling Units in conjunction with One-Family, Two-Family, and Multifamily Dwelling with Secondary Unit-Residential Facilities.**

The following regulations shall apply to the construction, establishment, or alteration of Secondary~~Accessory Dwelling Units (ADUs)~~, as those dwelling unit types are defined in Chapter 17.09; ~~wherever permitted, as specified in each individual zone:~~

**A. Regulations Applying to All Secondary~~Accessory Dwelling~~ Units.**

**1. Ministerial Approval.** An application for an Accessory Dwelling Unit (ADU) ~~Secondary Unit~~ shall be granted ministerial approval when it complies with all applicable zoning regulations, including but not limited to all provisions in this Section (17.103.080) and in Planning Code Chapter 17.88, unless the application is part of a proposal that separately requires discretionary review; in which case, the review time for the ADU application can be extended to coincide with the review time of the associated discretionary permit.

**2. Occupancy Requirement No Short-Term Rental of ADUs.** ~~Occupancy Rental of an ADU~~ Secondary Unit shall only be for a terms of longer than thirty (30) consecutive days, or longer basis only.

**3. Sale of Unit.** An Secondary Accessory Dwelling Unit shall not be sold separately from the ~~existing primary Residential One-Family Dwelling Facility~~ on the same lot unless otherwise permitted under State law.

**4. Replacement Parking Configuration.** If a covered parking space structure is removed demolished to construct an Secondary Accessory Dwelling Unit, no replacement parking is required. any required replacement parking may be located in any configuration (including covered, uncovered, tandem or mechanical lift). For this section to apply, the applicable covered parking structure must have a solid roof, supported with columns; and must be legally existing. Uncovered parking spaces that are required for the primary Residential Facility in the underlying zone must be maintained or replaced, subject to the location and paving restrictions set forth in the Oakland Planning Code. Required replacement parking spaces may be tandem, as set forth in Section 17.116.240.A.

**5. ~~Fire Sprinklers.~~** ~~A Secondary Unit shall not be required to provide fire sprinklers if they are not required for the existing One-Family Dwelling Facility on the same lot.~~

**5. Compliance with all Code and Permit Requirements Imposed by other Applicable City Departments. Building and Fire Codes.** ~~Unless specified otherwise in local code or State law, an~~ Accessory Dwelling ~~Secondary~~ Unit shall comply with all code and permit



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requirements imposed by other applicable affected City departments, including but not limited to the requirement for a building permit.

**6. Permitted Locations for ADUs.** Subject to restrictions set forth in Chapter 17.88 and Section 17.103.080(A)(8) of this Chapter, ADUs are permitted on lots in zoning districts that permit Permanent Residential Activities, and in conjunction with an existing or proposed primary Residential Facility.

**7. Restriction of ADUs in Certain Locations Based on Traffic Flow and Public Safety.**  
**See Chapter 17.88 for limitations on ADUs in the S-9 Fire Safety Protection Combining Zone.**

Development of ADUs is restricted with certain exceptions specified in Chapter 17.88 to one (1) interior conversion Category One ADU within the existing envelope of a primary structure or one (1) JADU per Single Family, Two Family or Multifamily lot. See the S-9 Fire Safety Protection Combining Zone Map Overlay (“Overlay Zone”) Map to determine if the lot where the ADU is proposed is within the S-9 Zone.

**8. Kitchens.** Each ADU and JADU shall have a kitchen that is independent from the primary Residential Facility, and includes all of the following: a sink, cooking facility with appliances, a food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the dwelling unit. A JADU is required to contain at least an efficiency kitchen, which shall include a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

**9. Entrance for ADU and JADU.** A separate exterior entrance that is independent from the primary Residential Facility is required for each ADU and JADU. An exterior stairway proposed to serve an ADU or JADU on a second story or higher shall not be visible from the front public right-of-way.

**10. Objective Design Standards for Structures Rated “A”, “B” or “C” by the Oakland Cultural Heritage Survey.**

a. Attached and detached Category Two and/or converted Category One ADUs located at the front or side of a main building and visible from the front public right-of-way shall incorporate the same roof pitch, visually matching exterior wall material, and predominant door and window trim, sill, recess, and style as the primary dwelling structure, with an option of approving different finishes or styles through the Small Project Design Review process as set forth in Section 17.136.030. ADUs of these types that are located to the rear of a main building are not subject to this design standard or alternative review process.

b. Attached or detached garages located to the front or side of a main building and converted to ADUs shall replace the garage doors with visually similar exterior wall materials, building color(s), and door and window trim as the primary Residential Facility, with an option of approving different finishes or styles through the Small Project Design Review process as set forth in Section 17.136.030. Attached or detached garages located to the rear of a main building and converted to ADUs are not subject to this design standard or alternative review process.

**11. Balconies and Decks.** Category Two ADUs and Category One ADU conversions that include expansion of existing building envelope shall not contain upper story balconies, decks, or rooftop terraces if the proposed elements do not meet the established requirements of the underlying zone.

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**12. Landscaping Standards.** One (1) new tree of fifteen (15) gallon or larger root ball size shall be planted anywhere on the lot or within the right-of-way in front of the site for Category Two ADUs with floor area size between five hundred (500) square feet and nine hundred ninety-nine (999) square feet. Two (2) new trees of fifteen (15) gallon or larger root ball size each shall be planted anywhere on the lot or within the right-of-way in front of the site for Category Two ADUs with floor area size between one thousand (1,000) square feet and twelve hundred (1,200) square feet. For trees outside the right-of-way, the tree must be a drought tolerant species. Trees within the right of way must be approved by the Department of Public Works and must conform with the Tree Division’s requirements.

**13. National, California, or Local Register Properties and Districts.** For ADUs proposed for a Local, California and National Register Property as defined in Section 17.09.040, the following shall apply:

a. Placement of an ADU in front of a main building on a Local, California and National Register Property is only allowed if the lot conditions or requirements preclude an ADU of a minimum allowed size (established by Tables 17.103.01 and 17.103.02) anywhere else on the lot.

b. Any new attached or detached ADU on a Local, California, and National Register Property shall be located in the following order of preference:

- i. First, behind the main structure;
- ii. Next, to the side of the main structure;
- iii. Last, in front of the main building.

c. A consultation with Historic Preservation Staff is required for Category One and/or Category Two ADUs on a Local, California and National Register Property visible from the public right-of-way. Such consultation shall not preclude the need for ministerial approval of an ADU that meets the standards of Government Code section 65852.2(e). The Planning Director or his or her designee is authorized to develop objective design standards for the development of ADUs in historic districts or on a Local, California and National Register Property to ensure preservation of historic resources.

**14. Mini-Lot Planned Unit Developments (Mini-Lot PUDs).** ADUs proposed on Mini-Lot Planned Unit Developments (Mini-Lot PUDs) must comply with requirements of Chapter 17.142 and Section 17.103.080.

**15. Planning Code Amnesty and Enforcement Delay of Building Code for ADUs that Do Not Have Prior Planning or Building Approval.**

a. Existing Accessory Dwelling Units built and occupied without prior Planning or Building approval shall be referred to in this section as “Unpermitted Accessory Dwelling Units.”

b. The owner of an Unpermitted Accessory Dwelling Unit has a right to request: (1) amnesty from any violation of a zoning standard under the Planning Code if the Unpermitted Accessory Dwelling Unit was established and occupied prior to January 1, 2021; and (2) delay in enforcement of the Building Code, and local amendments thereof, as adopted under O.M.C. Title 15 if the Unpermitted Accessory Dwelling Unit was built prior to the effective date of this Section.

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- c. The Planning Code amnesty and enforcement delay programs provided in this Section are available to any property owner whose Unpermitted Accessory Dwelling Unit meets the program requirements provided within this Section.
- d. Until January 1, 2030, any notice to correct a violation of any provision of the Planning or Building Code building standards pursuant to Oakland Municipal Code (O.M.C.) Titles 15 or 17 that is issued to an owner of an Unpermitted Accessory Dwelling Unit built before the effective date of this Section shall contain a statement that the owner of the Unpermitted Accessory Dwelling Unit has a right to request: (1) amnesty from any violation of a zoning standard under the Planning Code that would preclude the preservation of an Unpermitted Accessory Dwelling Unit that was established and occupied prior to January 1, 2021; and (2) delay in enforcement of the Building Code, and local amendments thereof, as adopted under O.M.C. Title 15 if the Unpermitted Accessory Dwelling Unit was built prior to the effective date of this Section. Said notice shall also inform the owner that any penalties arising out of any zoning or building violations shall be waived leading up to the zoning amnesty and during the term of the Building Code enforcement delay. The applicant shall bear the burden of proof in establishing the date when the Unpermitted Accessory Dwelling Unit was established and occupied for the Planning Code amnesty program, or when the building was built for the Building Code enforcement delay.
- e. The owner of an Unpermitted Accessory Dwelling Unit that can provide suitable proof that said unit was established and occupied prior to January 1, 2021 may, in the form and manner prescribed by the Planning and Building Director or his or her designee, submit an application to the Planning and Building Director or his or her designee requesting that the Unpermitted Accessory Dwelling Unit obtain amnesty from any violation of the City's zoning standards that would preclude the preservation of the Unpermitted Accessory Dwelling Unit. In addition, the owner of said unit may also request delay in enforcement of a Building Code violation if the Unpermitted Accessory Dwelling Unit was built prior to the effective date of this Section. The Building Code enforcement delay shall be for a period of no more than five (5) years on the basis that correcting the violation is not necessary to protect the public health and safety.
- f. The applicant's amnesty request to resolve violations of zoning standards shall be processed as specified in Planning Code Chapter 17.136, but shall not be available to Unpermitted Accessory Dwelling Units: (1) that are located in the City's S-9 Zone; or (2) where the owner cannot establish that the Unpermitted Accessory Dwelling Unit was established and occupied prior to January 1, 2021.
- g. The Planning and Building Director or his or her designee shall grant the owner's Building Code enforcement delay request if the Planning and Building Director or his or her designee determines that correcting the Building Code violation is not necessary to protect the public health and safety. In making this determination, the Planning and Building Director or his or her designee shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Government Code Section 13146.
- h. The Planning and Building Director or his or her designee shall not approve any applications for the Planning Code amnesty request or Building Code enforcement delay on or after January 1, 2030. However, any Building Code enforcement delay that was approved by the Planning and Building Director or his or her designee before January 1,

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2030 shall be valid for the full term of the delay that was approved at the time of the initial approval of the application.

i. Any Building Code enforcement delay shall remain in effect no later than January 1, 2035, and as of that date is repealed.

**B. Property Development Standards applying to One-Family ADUs**

Table 17.103.01 below describes the property development standards which apply to the specified types of One-Family ADUs. The different types of ADUs are defined in Chapter 17.09. The number designations in the "Notes" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified ADU type.

**Table 17.103.01: Property Development Standards applying to One-Family ADUs.**

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	<u>Types of One-Family ADUs</u>			<u>Notes</u>
<u>Development Standards</u>	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>	<u>One-Family ADU Category 2</u>	
<u>Maximum Number</u>	1 per lot	1 per lot		<u>1</u>
<u>Minimum Size (in square feet [sf.] Floor Area</u>	Must meet, at a minimum, <u>Efficiency Unit Building Code Standards</u>	Must meet, at a minimum, <u>Efficiency Unit Building Code Standards</u>	Must meet, at a minimum, <u>Efficiency Unit Building Code Standards</u>	<u>2</u>
<u>Maximum Size</u>	500 sf.	<p><u>Conversion of Attached Structures: 50% of floor area of primary residence or 850 sf., whichever is greater, but shall not exceed 1,200 sf.</u></p> <p><u>Interior Conversion: size is limited by the existing building envelope, but shall not exceed 1,200sf.</u></p>	<p><u>For detached: 850 sf. for studio or 1-bedroom. 1,000 sf. for 2-bedroom or more</u></p> <p><u>For attached: Whichever is greater: (A) 850 sf. for studio or 1-bedroom, and 1,000 sf. For a 2-bedroom or more; or (B) 50% of floor area of primary residence, but shall not exceed 1,200 sf.</u></p>	<u>3</u>
<u>Expansion for Egress and Ingress</u>	N/A	<u>Maximum allowed = 150 sf.</u>	N/A	<u>4</u>
<u>Expansion for Small Lots</u>	N/A	<u>The minimum area necessary to accommodate one (1) ADU with footprint of up to 800 sf. and up to 16 feet high. See note.</u>	N/A	<u>5</u>

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	<u>Types of One-Family ADUs</u>			<u>Notes</u>
<u>Development Standards</u>	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>	<u>One-Family ADU Category 2</u>	
<u>Maximum Height</u>	N/A	Established by the development standards of the underlying zoning district	The height shall not exceed 20 feet unless the ADU meets the setback requirements of the underlying zone. In this case, the maximum height is controlled by the underlying zoning district regulations, but in no case shall the maximum height be less than 16 feet.	6, 7, 8
<u>Side and Rear Setbacks</u>	N/A	N/A	4 feet or the regularly required setback, whichever is less, but in no case shall the setback be less than 3 feet from the side or rear lot line;	7, 8
<u>Front Setback</u>	Established by the development standards of the underlying zoning district, except when lot conditions preclude creating one ADU of no more than 800 sf. and no more than 16 feet in height anywhere else on the lot			7, 8
<u>Lot Coverage, Rear Setback Coverage, Floor Area Ratio (FAR)</u>	New ADUs must be consistent with the regulations contained in the underlying zone, except the following shall be permitted regardless of these requirements:  (A) One JADU; and (B) One ADU of no more than 800 sf. that is no more than 16 feet in height with at least 4 foot side and rear yard setbacks			7, 8
<u>Open Space</u>	No new open space required.			7, 8
<u>Parking for ADU</u>	None Required	None required if located: a) within 1/2-mile walking distance of public transit; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan's Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; or d) where there is a carshare vehicle within one block of the ADU.  Otherwise: One (1) space per ADU, which can be tandem		8, 9
<u>Owner Occupancy</u>	Owner must occupy the JADU or the primary residence	N/A	N/A	

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<u>Development Standards</u>	<u>Types of One-Family ADUs</u>		<u>Notes</u>	
	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>		<u>One-Family ADU Category 2</u>
<u>Bathroom</u>	<u>May have private bathroom; or bathroom facilities may be shared with the primary Residential Facility.</u>	<u>Must contain their own private bathroom facilities.</u>		10

**Notes for Table 17.103.01:**

1. A Category One or Category Two ADU may be combined on the lot with one JADU. However, a lot may not contain both a Category Two ADU and a Category One ADU. A lot with a One-Family Facility may only contain two ADUs if one is a JADU.
2. At least a minimum square-footage that permits an Efficiency Dwelling Unit as defined in the California Building Code.
3. The maximum size is inclusive of any allowed expansion of existing building envelope of up to one hundred and fifty (150) square feet for the purpose of ingress and egress.
4. If the ADU requires an expansion of up to one hundred and fifty (150) square feet for the exclusive purpose of accommodating ingress and egress to the ADU, such expansion may not: (a) encroach on front setbacks established by the underlying zone; (b) encroach within four-foot side and rear setbacks, except in certain circumstances, as described in Note #7 for Table 17.103.01; and (c) exceed a height of sixteen (16) feet, except if the underlying zone permits, as described in Note #6 and #7 for Table 17.103.01.
5. An existing accessory structure can be expanded or replaced beyond one hundred and fifty (150) square feet of its existing footprint for the purpose of creating a Category One ADU with the following requirements: 1) the accessory structure was legally existing; 2) the ADU is no greater than eight-hundred (800) square feet; 3) the proposal is on a lot that is either no greater than three thousand (3,000) square feet in size or no greater than thirty-five (35) feet in lot width mean; and 4) the addition has a height of no more than sixteen (16) feet. The expansion beyond the existing accessory structure footprint is not limited to one hundred fifty (150) square feet and does not need to be for the exclusive purpose of ingress or egress.
6. This allowance is only for ADUs located behind the primary building. If Category Two ADU is proposed in front of or on the side of a primary structure, the maximum height is sixteen (16) feet. Notwithstanding, in the S-9 Zone, maximum ADU height is capped at sixteen (16) feet.
7. For an ADU expansion for ingress and egress, such expansion shall comply with the existing zoning district setback and height requirements unless the ADU is a Category 2 ADU that: a) meets the required side and rear setbacks of four (4) feet or the regularly required setback, whichever is less, but in no case shall be less than three feet from the side or rear lot line, b) has a height of not more than sixteen (16) feet, and c) has a floor area not more than eight hundred (800) square feet.

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- 8. One-Family Category One ADUs and JADUs are allowed even if the existing facility to be converted or rebuilt does not meet the underlying zone’s current development standards, such as height limits, floor area ratios, lot coverage or setbacks.
- 9. For replacement parking regulations, see 17.103.080(A)(4).
- 10. If JADU shares bathroom with the primary Residential Facility, an internal connection must be provided.

**C. Property Development Standards applying to ADUs for Two-Family and Multifamily Facilities**

Table 17.103.02 below, describes the property development standards, which apply to the types of ADUs permitted with Two-Family and Multifamily Facilities. The different types of ADUs are defined in Chapter 17.09. The number designations in the "Notes" column refer to the regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified ADU type.

**Table 17.103.02: Property Development Standards applying to Two-Family and Multifamily ADUs**

	<b><u>Types of Two-Family and Multifamily ADUs</u></b>			<b><u>Notes</u></b>
<b><u>Development Standards</u></b>	<b><u>Two-Family and Multifamily ADU Category 1</u></b>	<b><u>Two-Family and Multifamily ADU Category 2</u></b>	<b><u>Two-Family and Multifamily ADU Category 3</u></b>	
<b><u>Maximum Number</u></b>	<u>1 or up to 25% of existing units whichever is greater per two-family or multifamily building</u>	<u>No more than 2 per lot</u>	<u>Only 1 per lot. Precludes creation of any other ADU</u>	<u>1, 2</u>
<b><u>Minimum Size (Floor Area)</u></b>	<b><u>Must meet, at a minimum, Efficiency Unit Building Code Standards</u></b>			<u>3</u>
<b><u>Maximum Size</u></b>	<u>For Interior Conversion: size is limited by the existing building envelope, but shall not exceed 1,200 sf.</u>	<u>850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more</u>	<u>850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more</u>	<u>4</u>
<b><u>Maximum Height</u></b>	<u>Established by base zone</u>	<u>The height shall not exceed 18 feet unless the ADU meets the setback requirements of the underlying zone. In this case, the maximum height is controlled by the underlying zoning district regulations, but in no case the maximum height shall be lower than 16 feet.</u>	<u>Established by the development standards of the underlying zoning district</u>	<u>5</u>



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	<b><u>Types of Two-Family and Multifamily ADUs</u></b>			<b><u>Notes</u></b>
<b>Side and Rear Setbacks</b>	<u>4 feet, or the regularly required setback, whichever is less, but in no case shall be less than 3 feet from the side or rear lot line.</u>			<u>5</u>
	For Internal: N/A			
<b>Lot Coverage, Rear Setback Coverage</b>	<u>N/A</u>	<u>New ADUs must be consistent with the regulations contained in the underlying zone, except up to two ADUs are permitted if they do not exceed 800 sf each shall be permitted regardless of these requirements.</u>	<u>N/A</u>	<u>5</u>
<b>Front Setback</b>	<u>Established by the development standards of the underlying zoning district, exempt if lot conditions preclude creating two ADUs of no more than 800 sf. and no more than 16 feet in height anywhere else on the lot</u>		<u>Established by the development standards of the underlying zoning district, exempt to create one ADU of no more than 850 sf.</u>	
<b><u>Floor Area Ratio (FAR)</u></b>	<u>N/A</u>	<u>New ADUs must be consistent with the regulations contained in the underlying zoning district, except to establish one or two Category Two ADUs of no more than 800 sf.</u>	<u>Must be consistent with the regulations contained in the underlying zoning district, except to establish one ADU of no more than 850 sf.</u>	<u>5</u>
<b><u>Open Space</u></b>	<u>N/A</u>	<u>No new open space required. However, required open space for existing units, as established by the underlying zoning district, must be maintained, except to establish one or two ADUs of no more than 800 sf. each.</u>	<u>No new open space required. However, required open space for existing units, as established by the underlying zoning district, must be maintained, except to establish one ADU of no more than 850 sf. in total footprint.</u>	

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	<b><u>Types of Two-Family and Multifamily ADUs</u></b>	<b><u>Notes</u></b>
<b><u>Parking for ADU</u></b>	<u>One (1) space; OR none if located: a) within ½-mile walking distance of public transit; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan’s Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; or d) where there is a carshare vehicle within one block of the ADU.</u>	<u>6</u>
<b><u>Owner Occupancy</u></b>	<u>Not required</u>	
<b><u>Bathroom</u></b>	<u>Each unit must have a private bathroom.</u>	

**Notes for Table 17.103.02:**

1. All calculations that result in a fractional number shall be rounded up to the nearest whole number. A lot may contain both Category One and Category Two ADUs. If a Category Three ADU is created by converting any portion of existing habitable space and/or creating an addition to create an ADU of no more than 850 square feet, no other ADU types shall be allowed anywhere on the lot.
2. Non-habitable or non-livable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any other finished spaces that are meant to be occupied by people and used communally.
3. At least a minimum square footage that permits an Efficiency Dwelling Unit as defined in the California Building Code.
4. Category Two ADUs must meet lot coverage and open space requirements set forth in this table.
5. Two-Family and Multifamily Category One ADUs are allowed even if the existing space to be converted or rebuilt does not meet the underlying zone’s current development standards, such as height limits, floor area ratios, lot coverage or setbacks. This allowance is only for ADUs located behind the primary building in its rear yard. If Category Two ADU is proposed in front or side of a primary structure the maximum height is sixteen (16) feet. Notwithstanding, in the S-9 Zone, maximum ADU height is capped at sixteen (16) feet.
6. For replacement parking regulations, see 17.103.080(A)(4).

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**Category One: Secondary Units Entirely within an Existing One-Family Dwelling Facility or Existing Detached Accessory Structure.**

- 1. ~~**Definition.** Category One Secondary Units are those that are located entirely within a One-Family Dwelling Facility or detached accessory structure that was legally in existence prior to January 1, 2017; and involve no expansion of the existing building envelope. Other defining characteristics of Category One Secondary Units are: a) independent exterior access from the existing One-Family Dwelling Facility, and b) existing side and rear setbacks sufficient for fire safety.~~
- 2. ~~**Exemption from Nonconformity Regulations.** An application for a Category One Secondary Unit shall be granted ministerial approval when it is entirely within the building envelope of a One-Family Dwelling Facility or detached accessory structure that was legally in existence prior to January 1, 2017, 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; and regardless of any existing nonconformity as to setback or height of the detached accessory structure or primary dwelling facility.~~
- 3. ~~**Utility Connections.** A new or separate utility connection shall not be required directly between a Category One Secondary Unit and the utility, and no related connection fee or capacity charge shall be required.~~
- 4. ~~**Parking.** Regardless of any provisions to the contrary in the applicable individual zone regulations and in Chapter 17.116, no additional parking shall be required for a Category One Secondary Unit.~~

**C. Category Two: All Other Secondary Units.**

- 1. ~~**Definition.** Category Two Secondary Units are those that: a) are not entirely within the building envelope of a One-Family Dwelling Facility or detached accessory structure that was legally in existence prior to January 1, 2017; and b) involve either construction of a new structure, or an exterior addition to an existing structure.~~
- 2. ~~**Maximum Permitted Floor Area.** The floor area of a Category Two Secondary Unit shall not exceed eight hundred (800) square feet or seventy five percent (75%) of the floor area of the primary dwelling unit, whichever is less.~~
- 3. ~~**Required Parking.** Except as specified in Subsection a. below, the minimum parking requirements for a Category Two 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: (i) one half (1/2) mile of a public Transit Stop; (ii) an Area of Primary Importance (API) or Area of Secondary Importance (ASI), as defined in the Historic Preservation Element of the General Plan; (iii) an area where on-street parking permits are required but not offered to the occupant of a Secondary Unit; or (iv) one (1) block of a dedicated car share parking spaceshall have no additional parking requirement.~~
- 4. ~~**Setbacks.** Except as specified in Subsections a. and b. below, the minimum setback requirements for a Category Two Secondary Unit shall be as prescribed in the applicable individual zone regulations:~~

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- a. ~~A detached Category Two Secondary Unit that conforms to the provisions in Subsection U. of Section 17.108.130 is allowed to project into or locate within the minimum side or rear yard, but no closer than four (4) feet from the side or rear lot line, and only if the facility also conforms to the following restriction in the first paragraph of Section 17.108.130:~~
  - i. ~~In no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by facilities, other than trees, that extend more than six (6) feet above grade.~~
- b. ~~A Category Two Secondary Unit located above a garage and conforming with maximum height and all other applicable regulations shall not be required to have a side or rear setback of more than five (5) feet.~~
- 5. **Emergency Access—Multiple Vehicular Outlets.** ~~A Category Two Secondary Unit shall only be permitted on a lot which has frontage on a through street, or a dead-end street that has a total length of less than six hundred (600) 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.~~
- 6. **Emergency Access—Minimum Pavement Width.** ~~A Category Two Secondary Unit shall only be permitted if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum pavement width of at least twenty (20) feet.~~
- 7. **Architectural Compatibility.** ~~A Category Two Secondary Unit shall be clearly subordinate to the primary dwelling unit in size and location. Also, the exterior materials of a Category Two Secondary Unit shall match or be visually compatible with that of the primary dwelling unit, including the siding material, roof shape and/or pitch, roofing material, trim material and design, and window types.~~
- 8. **Review Procedure.** ~~An application for a Category Two Secondary Unit shall be granted ministerial approval within one hundred twenty (120) days of receipt upon confirmation of compliance with all applicable zoning regulations, including but not limited to, all provisions in this Section.~~
- 9. **Utility Connections.** ~~If a new or separate utility connection is required directly between a Category Two Secondary Unit and the utility, the related connection fee or capacity charge must be proportional to the burden of the Secondary Unit upon the water or sewer system.~~

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**Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS**

**Sections:**

**17.108.080 Minimum side yard opposite living room windows.**

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling 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 Zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

**17.108.120 Minimum court between opposite walls on same lot.**

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, except in the case of a One-Family Dwelling with Secondary Unit, courts with the minimum depths prescribed below shall be provided in the cases specified hereinafter between opposite exterior walls, or portions thereof, of the same or separate buildings on such lot. Courts are not required on other lots or in other situations. The aforesaid walls shall be considered to be opposite one another if a line drawn in a horizontal plane perpendicularly from any portion of any of the legally required windows referred to hereinafter, or from any point along the wall containing such window, or any extension of such wall on the same lot, on the same story as and within eight (8) feet in either direction from the centerline of said legally required window, intersects the other wall. The courts required by this Section shall be provided opposite each of the legally required windows referred to hereinafter and along the wall containing such window, and along any extension of such wall on the same lot, for not less than eight (8) feet in both directions from the center line 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 courts 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

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minimum rear yard be covered by any facilities, other than trees and Accessory Dwelling Units in conformance with all requirements in Section 17.103.080, 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 Nonconforming Uses in Chapter 17.114, Secondary Accessory Dwelling 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
U. Detached <u>Secondary Units Category Two Accessory Dwelling Units</u> .	<p>Anywhere in above yards <del>that meet the criteria of Section 17.103.080, and if newly constructed, the facility is located at least six (6) feet from the primary dwelling unit on the lot. This requirement shall not apply if it precludes ADUs of a minimum size per Section 17.103.080. , provided that the facility was legally in existence prior to January 1, 2017; or in other cases if:</del></p> <ol style="list-style-type: none"> <li><del>1. The facility is located at least six (6) feet from the primary dwelling unit on the lot, and is not located closer than four (4) feet from the side or rear lot line; and</del></li> <li><del>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 but within a required yard, 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, with any shed roof sloping down toward the lot line facing the longest façade; and</del></li> <li><del>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.</del></li> </ol>				

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**Chapter 17.110 BUFFERING REGULATIONS**

**Sections:**

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zones.

**17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS Zones.**

The following regulations shall apply in all Residential Zones and in the S-1, S-2, S-3, S-15, D-CO-1, and OS Zones, and are in addition to the provisions set forth in Section 17.110.040:

- A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with Accessory Dwelling ~~Secondary~~ Units, and to all open off-street loading areas on any lot:
  
- C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with Accessory Dwelling ~~Secondary~~ Units, shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

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Chapter 17.114 NONCONFORMING USES

Sections:

Article III Nonconforming Facilities

17.114.110 Nonconforming Facility—Allowed alterations.

- A. When Occupied by Conforming Activity. Except as otherwise provided in Section 17.114.120, or in Section 17.103.080 for Accessory Dwelling Units in conjunction with an existing One-Family, Two-Family, or Multifamily Dwelling, 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 nonconforming 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 primary dwelling living-unit on a lot, when located in a zone where only one primary dwelling 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 when permitted to remove a nonconformity; or to be wholly reconstructed with the same floor area and outside dimensions.



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**Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS**

**Sections:**

- Article I - General Provisions
- Article II - Off-Street Parking Requirements
- Article III – Reductions in Required Parking
- Article IV - Off-Street Loading Requirements

**Article I General Provisions**

**17.116.020 Effect on new and existing uses.**

**C. New Parking and Loading Provided for New Dwelling Units in Existing Facilities.** Except as provided for Accessory Dwelling Units in Section 17.103.080, the conversion of historic facilities in Section 17.116.110(F), additions to historic facilities in Section 17.116.110(G), and ~~for the conversion of a building into Residentially Oriented Joint Living and Working Quarters, as specified in Section 17.102.195~~, the parking and loading requirements of this Chapter apply to newly established dwelling units. However, additional parking only needs to be provided to the extent that the existing parking does not meet the new total parking requirement.

**Article II Off-Street Parking Requirements**

**17.116.060 Off-street parking—Residential Activities.**

- A. Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.**
  - 1. Minimum Parking.** Except as otherwise provided in Article III and elsewhere in this Title, 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:

<b>Residential Facility Type</b>	<b>Zone</b>	<b>Total Required Parking</b>
One-Family Dwelling.	RH Zones, except when combined with the S-12 Zone.	Two (2) spaces for each dwelling unit; however, when combined with the S-11 Zone, the requirement is 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.
	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.

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<b>Residential Facility Type</b>	<b>Zone</b>	<b>Total Required Parking</b>
	S-15 and D-CO Zones, except when combined with the S-12 Zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
<u>One-Family Dwelling with Secondary Unit.</u>	<del>CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.</del>	<del>No additional space required for the Secondary Unit.</del>
	<del>Any other zone, except when combined with the S-11 or S-12 Zone.</del>	<del>One (1) space for the Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.</del>
	<del>Any zone combined with the S-11 Zone.</del>	<del>One (1) space for each bedroom in the Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.</del>
	<del>Any zone combined with the S-12 Zone.</del>	<del>One (1) space for each bedroom in the Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.</del>
<u>Accessory Dwelling Unit (in conjunction with One-Family, Two-Family, or Multifamily Dwelling).</u>	<u>CBD, S-2, S-15, and D-LM Zones, except when combined with the S-11 or S-12 Zone.</u>	<u>No additional spaces required for the Accessory Dwelling Unit.</u>
	<u>Any other zone (including any zone combined with the S-11 or S-12 Zone).</u>	<u>One (1) space for each Accessory Dwelling Unit, except that no additional parking shall be required if located as specified in Section 17.103.080.</u>

- 2. Maximum Parking for Permanent and Semi-Transient Residential Activities.** No more than the following amounts of off-street parking are permitted for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

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<b>Residential Facility Type</b>	<b>Zone</b>	<b>Maximum Number of Parking Spaces</b>
One-Family Dwelling. <del>One-Family Dwelling with Secondary Unit.</del>	CBD, S-15, D-LM, and D-CO Zones.	One and one-quarter (1¼) parking spaces per dwelling unit.
Two-Family Dwelling. Multifamily Dwelling. Mobile Home.	All other zones.	No maximum parking requirement.

**Article III - Exemptions and Reductions in Required Parking**

**17.116.110 Special parking exemptions and reductions.**

The provisions of this Section apply to all facilities and zones in all or specified zones, except One-Family Dwelling, Two-Family Dwelling, or Multifamily Dwelling Residential Facilities located within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.040 shall apply.

- J. ~~Secondary~~**Accessory Dwelling Units**. No additional parking shall be required for an Accessory Dwelling ~~Secondary Unit~~ if located as specified in Section 17.103.080.

**Article IV Off-Street Loading Requirements**

**17.116.240 Tandem spaces and berths.**

No required loading berths shall be tandem. One required parking space on any lot containing both one (1) unit and fewer than three (3) required off-street parking spaces may be tandem. On any lot containing three (3) or more required off-street parking spaces, or containing required spaces for two (2) or more dwelling units, required parking spaces shall not be tandem, except that:

- A. In any zone, tandem parking may be permitted for a One-Family or Two-Family Dwelling Facility with Accessory Dwelling Units, ~~Secondary Unit Residential Facility~~, unless the City finds that tandem parking is not feasible due to specific topographical conditions.

**17.116.300 Parking accommodation requirements for One-Family and Two-Family Residential Facilities.**

The provisions of this Section apply to lots containing One-Family Dwelling or, ~~One-Family Dwelling with Secondary Unit~~, 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.

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Chapter 17.117 BICYCLE PARKING REQUIREMENTS

Sections:

Article III. Minimum Number of Required Bicycle Parking Spaces

17.117.090 Required bicycle parking—Residential Activities.

17.117.090 Required bicycle parking—Residential Activities.

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.
<del>2) One-Family Dwelling with Secondary Unit.</del>	<del>No spaces required.</del>	<del>No spaces required.</del>

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**Chapter 17.124 LANDSCAPING AND SCREENING STANDARDS**

**Sections:**

17.124.020 Required landscape plan for new residential units and certain additions to Residential Facilities.

**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 permitted Accessory Dwelling 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:

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## Chapter 17.136 DESIGN REVIEW PROCEDURE

### Sections:

17.136.025 Exemptions from design review.

17.136.040 Regular design review.

### 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. Except as specified in Section 17.136.030, Accessory Dwelling Secondary Units that conform, pursuant to all regulations in Section 17.103.080 and Chapter 17.88;

### 17.136.030 Small project design review.

B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:

1. Additions or Alterations.
  - e. Accessory Dwelling Units that: 1) do not conform with objective design standards established by the Planning Director or his or her designee pursuant to Section 17.103.080.A.11 proposed in front or on a side of the primary structure; or 2) were established and occupied without Planning or Building approval prior to January 1, 2021, and request a waiver of any provision of the underlying zoning or applicable development standards that would preclude the preservation of said unit, pursuant to Section 17.103.080.A.15.

### 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 Nonresidential 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, excluding other than any permitted Accessory Dwelling Units; a Secondary Unit;
4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site, excluding any permitted Accessory Dwelling Units;
8. Exceptions to the parking accommodation requirements for One- and Two-Family Residential Facilities in Section 17.116.300; 17.116.075;

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**Chapter 17.142 ~~MINI-LOT AND~~ PLANNED UNIT DEVELOPMENT REGULATIONS**

**Sections:**

- Article I - Title, Purposes and Applicability
- Article II - Mini-Lot Planned Unit 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 ~~Mini-Lot and~~ Planned Unit Development Regulations. The purposes of these regulations are to:

- A. Encourage the comprehensive planning of tracts of land;
- B. Provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning regulations; and
- C. Promote a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working.

**17.142.004 Applicability.**

These regulations shall apply to all:

- A. Mini-Lot Planned Unit Developments (Mini-Lot PUDs) 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
- B. Planned Unit Developments (PUDs) 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.

**Article II Mini-Lot Planned Unit Developments**

- 17.142.010 Definition of Mini-Lot Planned Unit Development.
- 17.142.012 Basic provisions for Mini-Lot Planned Unit Developments.
- 17.142.014 Zones in which requirements may be waived for a Mini-Lot Planned Unit Development.

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17.142.016 Maximum size for which requirements may be waived for a Mini-Lot Planned Unit Development.

**17.142.010 Definition of Mini-Lot Planned Unit Development.**

A Mini-Lot Planned Unit Development (Mini-Lot PUD) 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 Mini-Lot Planned Unit Developments.**

See Section 17.103.080.A.14 for requirements for ADUs within Mini-Lot Planned Unit Developments (Mini-lot PUDs). 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 Mini-Lot DevelopmentPUD, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a Ceonditional Uuse Ppermit pursuant to the Ceonditional Uuse Ppermit procedure in Chapter 17.134 and upon determination:

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and
2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.
  - a. ADUs are allowed on individual Mini-Lots that permit Permanent Residential Activities, and in conjunction with an existing or proposed primary Residential Facility. If, however, any shared interest element of a previously approved Mini-Lot development would be modified or impacted by the ADU's construction, the application shall be considered through a revision of the Mini-Lot PUD permit; in which case, the review time for the ADU application shall be extended to coincide with the review time of the revision.
  - b. 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 setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also for the RM-2 Zone in the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination:
    - 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.



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**17.142.014 Zones in which requirements may be waived for a Mini-Lot Planned Unit Development.**

A Ceonditional Use Permit pursuant to Section 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.

**17.142.016 Maximum size for which requirements may be waived for a Mini-Lot Planned Unit Development.**

Maximum Size for Which Requirements May Be Waived. A Ceonditional Use Permit pursuant to Section 17.142.012 of this Chapter may be granted only if the total land area of the Mini-Lot Planned Unit Development is less than sixty thousand (60,000) square feet.

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## Article III Planned Unit Developments

### 17.142.100 Bonuses.

#### 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:

- C. Additional Permitted Facilities in RH-4 and RD-1 Zones. In the RH-4 and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in said zone, provided that at least fifty percent (50%) of the dwelling units in the total development shall be One-Family Dwellings:
  - 1. Residential Facilities:
    - ~~One-Family Dwelling with Secondary Unit~~
    - Two-Family Dwelling
    - Multifamily Dwelling
- D. Additional Permitted Facilities in Other Zones. Except in the RH, and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in the zone in which the development is located:
  - 1. Residential Facilities:
    - One-Family Dwelling
    - ~~One-Family Dwelling with Secondary Unit~~
    - Two-Family Dwelling
    - Multifamily Dwelling
    - Rooming House
  - 2. Nonresidential Facilities:
    - Open
    - Drive-In
  - 3. Signs:
    - Residential
    - Business
- 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:
    - a. Detached buildings each containing only one living unit;

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- b. Town house or similar One-Family semi-detached or attached buildings each containing only one (1) living unit;
  - c. Buildings each containing two (2) living units;
  - d. Buildings each containing more than two (2) living units.
2. Except in the RH<sub>2</sub> 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.

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**Chapter 17.148 VARIANCE PROCEDURE**

**Sections:**

17.148.020 Definition of Major and Minor Variances.

**17.148.020 Definition of Major and Minor Variances.**

- A. **Major Variance.** A "Major Variance" 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;