

4. Location:	The Coliseum Area Specific Plan area (“Plan Area”) is located in East Oakland and covers an area of approximately 800 acres bounded by 66th Avenue to the north, San Leandro Street on the east, Hegenberger Road on the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area includes the Oakland Alameda County Coliseum and Arena and the Oakland Airport Edgewater Business Park.
Proposal:	Conduct a public hearing to hear public comment and receive Planning Commission recommendations on the final Draft Coliseum Area Specific Plan, and associated General Plan and Planning Code amendments (text and map changes) along with Design Guidelines (collectively called “Related Actions”). A second Planning Commission hearing will be held on February 18, 2015 (and separately noticed) to consider certifying the Final Environmental Impact Report and recommending the City Council adopt the Coliseum Area Specific Plan.
Applicant:	City of Oakland
Case File Numbers:	ZS13103 / ER130004 / SP14001 / GP14002 / ZA14001
Planning Permits Required:	Zoning Study (ZS), Environmental Review (ER), Specific Plan (SP), General Plan Amendment (GP), and Zoning Amendment (ZA) related to the review of the Draft Coliseum Area Specific Plan, proposed General Plan Amendments, and proposed Planning Code amendments.
General Plan:	Land Use and Transportation Element (LUTE) Areas: Regional Commercial, Community Commercial, Business Mix; Estuary Policy Plan Areas: General Commercial 2, Light Industry 3, Parks
Zoning:	CR-1, IO, M-40, S-15, CIX-2
Environmental Determination:	An Environmental Impact Report (EIR) has been prepared for the Coliseum Area Specific Plan. The Draft EIR (DEIR) was published on August 22, 2014; the comment period ended October 6, 2014.
Historic Status:	CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources), include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance) and the Warehouse Union Local 6 building at 99 Hegenberger Road (PDHP, preliminary rating *c3, of potential future significance; now over 50 years old). Portions of the Project Area contain other older buildings and structures not currently evaluated as significant but of possible future interest.
Service Delivery District:	5, 6
City Council Districts:	7 (with CCD 6 representing 66 th Avenue frontage of the Plan Area)
Actions to be Taken:	No decision at this hearing. The purpose of this meeting is to receive public and Planning Commission comments on the final Draft Coliseum Area Specific Plan, and on the proposed Planning Code and General Plan Amendments.
For Further Information:	Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com Project website: www.oaklandnet.com/coliseumcity

SUMMARY

Since 2012, the City has been working on preparation of the Draft Coliseum Area Specific Plan (Draft Specific Plan) — a new, forward-looking vision for the 800-acre area between 66th Avenue and Hegenberger Road, including the Oakland-Alameda County Coliseum complex, the Coliseum BART station and adjoining parking lots, the Oakland Airport Business Park, and environs. The Draft Specific Plan supports the City's efforts to retain Oakland's three major professional sports teams, and allow for significant new residential and commercial development near a major Bay Area transit node. The City of Oakland's Bureau of Planning prepared a Draft Environmental Impact Report (DEIR) on the Draft Specific Plan that evaluates its potential environmental impacts.

The City has released its Final Draft Coliseum Area Specific Plan (Final Draft Specific Plan), revised from its initial release in August 2014¹. In addition, the City prepared draft General Plan and Planning Code amendments (text and map changes), to accompany and implement the concepts and policies contained in the (Final Draft Specific Plan). These implementation regulations will help establish the future character of the Coliseum Plan Area, by providing detailed regulations on land use activities, along with guidance on the design of buildings, streets, and public spaces.

The Draft Coliseum Area Specific Plan was discussed at the October 1, 2014 Planning Commission. A summary of the proposed General Plan amendments and proposed new Zoning Code amendments can be found in Chapter 7 of the final Draft Specific Plan. On January 21, 2015, the Zoning Update Committee (ZUC) of the Planning Commission held a public hearing to discuss and hear public comment on the proposed new Zoning (see ZUC staff report, **Attachment A** to this report). For clarity, the proposed new zoning map and proposed draft Planning Code amendments are included in **Attachment B** to this report. The Draft Specific Plan and related actions can also be viewed online at: www.oaklandnet.com/coliseumcity, (under the section called 'Plans, Documents and Media'), and is available for review at the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612 and at the City of Oakland Planning Department (250 Frank Ogawa Plaza, Suite 3315).

The purpose of this public meeting is to inform the Planning Commission and the public on the final draft Specific Plan, and hear comments on the proposed amendments to the Oakland General Plan, the Oakland Planning Code, and to the Zoning Maps. Staff will clarify that proposed City zoning changes will not supersede the Port of Oakland's Land Use Development Code (LUDC) in areas under the land use jurisdiction of the Port of Oakland (i.e. the majority of the Oakland Airport Business Park). A separate public hearing on February 18, 2015, is scheduled at the Planning Commission to hear public comments and consider certifying the Final Environmental Impact Report (FEIR), to be released on February 6, 2015, and recommending the City Council adopt the Coliseum Area Specific Plan.

PLAN BOUNDARY

The Coliseum Area Specific Plan Area (Plan Area) covers approximately 800 acres, and is generally bounded by 66th Avenue and East Creek Slough to the north, San Leandro Street and Hawley Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area is divided for Specific Plan purposes into five Sub-Areas, A through E (see **Attachment C to this report**). For ease of comprehension:

- **Sub-Area A** applies to the current Coliseum/Arena site and Coliseum BART station area;

¹ The Final Draft Plan was provided to the Planning Commissioners under a separate distribution. Copies are available to the Public at the Bureau of Planning, 250 Frank Ogawa Plaza, Suite 3315, or on the City's webpage, www.oaklandnet.com/coliseumcity.

- **Sub Areas B, C & D** spans the Oakland Airport Business Park; and
- **Sub-Area E** contains the East Bay Municipal Utility District-owned and City of Oakland-owned lands between Damon Slough and East Creek Slough.

The term “Coliseum District”, as used in the Draft Specific Plan and in this report, describes a Plan focus area - which includes both the current Coliseum/Arena complex in Sub-Area A, and a portion of Subarea B on the west side of I-880 between Oakport Street and Edgewater Drive, from Damon Slough to Elmhurst Creek.

BACKGROUND

For over 15 years, the City’s General Plan has envisioned a transformed Coliseum Area. In 1998, the Land Use and Transportation Element (LUTE) of the Oakland General Plan identified the Coliseum Area as a “Showcase District.” The proposed Coliseum Area Specific Plan is intended to implement the following General Plan vision for the Coliseum Area from the General Plan LUTE:

The number of visitors that come to the Coliseum, its excellent transportation access and the availability of land nearby combine to offer a superb prospect for the area’s future as regional center of entertainment and commercial recreation. The General Plan envisions the Coliseum Complex at the center of a regional shopping, entertainment and recreation district....Linkages between the Coliseum and Airport and the Coliseum and Waterfront are critical to the future economic potential of this area, and a special plan is needed to guide development of the Coliseum showcase to maximize its potential.²

In 2011, the City issued a Request for Proposals (RFP), seeking a team of consultants and developers who could create a new vision for the Coliseum area. In March of 2012, the Oakland City Council entered into an Exclusive Negotiating Agreement (ENA) with a team of urban designers, architects and developers led by the Oakland-based firm of JRDV Urban International, with an environmental and planning team led by Lamphier-Gregory (also an Oakland-based company). In 2013, the City issued a Notice of Preparation (NOP) of a Draft EIR and held two scoping sessions, before the Landmarks Preservation Advisory Board and the Planning Commission.

In 2014, as administrative drafts of the Specific Plan and the CEQA analysis for the EIR were being prepared, the City held three public workshops to hear comments and make further refinements to the Draft Specific Plan. On August 22, 2014, the Draft Specific Plan and Draft EIR were released. On September 8, and on October 4, 2014, the City held public hearings before the Landmarks Preservation and Advisory Board, and the Planning Commission³. Also in the fall and winter of 2014, the City held three additional public workshops and staff attended community meetings to discuss and hear public comments on the Plan and EIR.

PROJECT DESCRIPTION

The Draft Coliseum Area Specific Plan is intended to provide both a short-term development plan for the accommodation of up to three new venues for the City’s professional sports teams, and a longer term, 20- to 25-year planning document providing a roadmap for land use policy, regulatory requirements and public and private investment that coordinates future development of new residential, retail, hospitality, office, and science and technology uses, to create significant long-term value for the City of Oakland and Alameda County. The Draft Specific Plan envisions a comprehensive transformation of what is currently

² LUTE, pages 44-45. (emphasis added).

³ A full list of public meetings and hearings, see Table 4 to this report, or on the City’s website, www.oaklandnet.com/coliseumcity.

one of the largest under-developed, inner-urban, transit-served redevelopment opportunities in California. The City sees implementation of the Draft Specific Plan as a critical opportunity to revitalize some of Oakland's most important physical assets, and transform these assets into an area that generates long-term economic growth for the City.

The Draft Specific Plan includes the following six goals to achieve this transformation:

1. Retain Oakland's existing professional sports teams, and maximize the economic value for Oakland and Alameda County from these sports facilities.
2. Create a regionally significant jobs and employment area that can expand Oakland's ability to attract new businesses and supports existing businesses, given the area's available land and its prime transit-oriented and airport-adjacent location. Participate in the Bay Area's dynamic "innovation economy", and attract new businesses and job opportunities to the surrounding East Oakland area.
3. Improve the area's existing investments in transit and transportation infrastructure; create a Transit Oriented Development (TOD) of new housing and commercial uses which advances regional and state growth policies; increase Oakland's ability to leverage its central position in the Bay Area, and capture a larger share of regional housing growth, job growth and economic investment.
4. Create a vibrant urban mixed-use district, attracting a significant community of residential and commercial uses. The Coliseum area will feature active streets and public spaces that provide an enhanced pedestrian experience, site security and innovative urban place-making.
5. Create enhanced open space, Bay access, and natural habitat opportunities that will restore natural habitat, and create public educational and Bay accessibility opportunities for Oakland and Bay Area residents.
6. Build upon and promote Oakland's recognized leadership and policies in protecting the urban environment, through the use of building techniques which require fewer natural resources, and create a place which is committed to sustainability.

The approximately 800-acre Plan Area is divided for Specific Plan purposes into five "Sub-Areas" (see **Attachment C**):

Sub-Area A

Sub-Area A is approximately 243 acres, and contains the Coliseum sports complex, surface parking, industry, and transportation infrastructure. The Coliseum sports complex is jointly owned by the City of Oakland and Alameda County; it consists primarily of the existing Arena venue for professional basketball and special events (Oracle Arena), and the Coliseum venue for professional football, baseball and special events (O.co Coliseum). Sub-Area A also includes City-owned land, additional private properties to the east along both sides of San Leandro Street, and the existing Coliseum BART Station and surface parking lot. The Draft Plan addresses Sub-Area A in a greater level of detail, being the most likely area for early phase of development.

Sub-Area B

Sub-Area B is approximately 127 acres, and contains the northerly portion of the Oakland Airport Business Park, freeway-oriented retail and office buildings along the Oakport Street frontage of I-880, and an aging, but well-maintained light industrial and office park district (Oakland Airport Business Park) along Edgewater Drive. The shoreline consists of the MLK Shoreline Park, which features a

vegetated pedestrian trail and bike path with views looking across San Leandro Bay, as well as property the City of Oakland leases from the Port of Oakland for the City's Public Works Corporation Yard.

Sub-Area C

Sub-Area C is approximately 189 acres in size and contains the eastern portion of the Oakland Airport Business Park. Currently, this Sub-Area contains 2.25 million square feet of building space, largely made up of an inter-related mix of light industrial, and office uses, as well as a Walmart store and adjacent retail shopping center off Hegenberger Road at Edgewater Drive. Sub-Area C continues the light industrial and office park district along Edgewater Drive and the shoreline park.

Sub-Area D

Sub-Area D is approximately 136 acres in size and includes the southern portion of the Oakland Airport Business Park nearest to the Oakland International Airport. It contains approximately 1.66 million square feet of building space, including large logistics and distribution businesses and activities, as well as light industrial, hotel, and retail and restaurant uses along Hegenberger Road. The western edge of Sub-Area D abuts, but does not include Arrowhead Marsh and the Martin Luther King Jr. Shoreline Park.

Sub-Area E

Sub-Area E is approximately 105 acres in size, and is located on the westerly or water-side of I-880, between Damon Slough and East Creek Slough. The uses consist of East Bay Municipal Utility District (EBMUD) facilities and corporation yard; City of Oakland Oak Port recreation fields for soccer and open space; and land leased to the East Bay Regional Parks District for MLK Shoreline Park trails.

A summary of the Draft Specific Plan build-out includes up to three new sports facilities totaling nearly 4.25 million square feet of building space for 47,000 new seats; an increase of up to 8 million square feet of Science & Technology, office, light industrial, logistics and retail space; and 5,750 new residential units, as shown in **Table 1**. The Draft Specific Plan buildout accommodates up to 14,000 structured parking spaces, and 4,000 surface parking spaces on the Coliseum site.

The Draft Specific Plan will also evaluate the feasibility of creating nearly 34 acres of new, publically accessible open space within Sub-Areas A and B, and additional acres of restored open space in Sub-Area E.

The Draft Specific Plan has been prepared with sufficient flexibility to allow for a number of alternative development scenarios, and the continued guidance of future development in the Plan Area even if one or more of the sports teams were to relocate out of the Coliseum Area. Therefore, the DEIR also studies the environmental effects of a two-team, a one-team, and a no-team project alternative.

A summary of the net change in land uses within the Plan Area is shown in the following **Table 1**.

Table 1: Net Change in Land Use at Plan Buildout (in square feet)						
Land Use Type:	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D	Sub-Area E	Total
<i>Total Acres</i>	243	127	189	136	105	800
Stadium (seats)	72,000					72,000
Ballpark (seats)	39,000					39,000
Arena (seats)	20,000					20,000
Event-Based Retail	225,000					225,000
Retail	183,050	58,800	43,280	17,800		302,930
Auto Retail	(89,000)		29,000			(60,000)
Hotel	598,500					598,500
Office	(82,500)		98,970	68,000		84,470
Science and Tech.	1,500,130	2,817,570				4,317,700
S&T/ Off. /Light Industrial	-		3,101,520			3,101,520
Light Industrial	-	(676,800)	(21,300)			(845,700)
Logistics/ Distribution				286,710		286,710
Institutional	(7,750)		(8,000)			(15,750)
Government/ Utility ⁴	(62,400)	(15,800)				(78,200)
Total Square Feet	2,117,430	2,183,770	3,243,470	372,510		7,917,180
Residential Units	4,000*	1,750				5,750

*Includes 2,300 new residential units built on the current Coliseum BART parking lots.

The Draft Specific Plan provides separate development concepts for each of the Plan Sub-Areas, as described below. Each of these development concepts require further, more detailed planning and analysis, as well as investigation into financing strategies necessary for implementation. None of these Draft Specific Plan concepts currently represent a definitive end-state, or an obligation on the part of either the City or the sports franchises, but are instead a statement of the area’s potential.

⁴ These figures do not include the Zhong Technologies building, which, as of September 2014, the Alameda County General Services Agency was in contract to purchase with the intention of centralizing some County offices.

Because of the complexity of the Draft Specific Plan's development program for the Plan Area's 800 acres, this report will focus on selected goals for both the "Coliseum District" (which consists of Subarea A [the site of the current Coliseum and Arena, and their surrounding surface parking lot] and a portion of Subarea B on the west side of I-880), and the Oakland Airport Business Park and environs.

A. Selected goals for the Coliseum District:

- **New Sports Venues:** Development of up to three (3) new multi-purpose sports/entertainment facilities that retain the City's professional sports teams in Oakland, provide attractions that bring people to the area, and facilitate the development of other uses nearby. This development program includes a proposed new National Football League (NFL) stadium for the Oakland Raiders; a new Major League Baseball (MLB) ballpark for the Oakland A's; and the potential for a new National Basketball Association (NBA) arena for the Golden State Warriors. Under a number of the Draft Specific Plan scenarios, the current Arena would remain as a multi-purpose event venue.
- **Housing:** Development of new housing: 2,300 units at the BART-adjacent Transit Oriented Development district (primarily the BART parking lots, and parcels on San Leandro Street); and up to 1,700 units in a proposed "ballpark village" near the sports facilities.
- **Pedestrian access:** proposed new elevated pedestrian concourse that would connect from the Coliseum BART station to the new sports/entertainment areas at the current Coliseum site. This elevated connector could potentially extend over I-880 and link BART to San Leandro Bay; and is envisioned to include a potential streetcar line that uses the elevated concourse to connect from BART to the Oakland Airport Business Park.
- **Open Space and Parks:** The Draft Plan proposes a total of 26.5 acres of open space within the Coliseum district, consisting of a proposed 2-acre "Grand Plaza" pedestrian streetscape; 10-acre pedestrian elevated concourse and linear open space; and 7- acres of open space and natural habitat improvement along Damon Slough near the Union Pacific/Amtrak railroad tracks and along 66th Avenue.

B. Selected goals for the Oakland Airport Business Park:

- **New office space:** Creation of a new Science and Technology District of regional significance that expands opportunities for companies in the tech economy to locate in Oakland, in up to 1.5 million square feet of new and renovated buildings.
- **New Arena:** The Draft Plan proposes a location for a new NBA arena for the Golden State Warriors, should the team decide to remain in Oakland and not move to San Francisco.
- **Potential New Residential district:** Development of a potential new mixed-use waterfront residential district between Edgewater Drive and the San Leandro Bay shoreline, bracketed by Damon Slough and Elmhurst Creek Slough, with up to 1,750 new residential units. This would be primarily on the location of the existing City of Oakland Corporation Yard, which is on leased land owned by the Port of Oakland.

CHANGES MADE TO FINAL SPECIFIC PLAN

During the City's public review process, following the August 22, 2014 release of the draft Coliseum Area Specific Plan, numerous suggestions to change or amend the Plan were made by the public, outside agencies, Planning Commissioners, community groups, and other interested parties. Staff has made some

of the suggested changes, and not others. This section of the report will highlight the following significant changes:

- Addition of new policies on Affordable Housing, local hiring, anti-displacement protections, community benefits, and community health (see pages 74-79).
- Edgewater Seasonal Wetland and “Bay Inlet”
- Revised policies to address the effects of sea level rise

New Policies added to the Plan

New policies Land Use and Employment Policies #40-48 were added to ensure a level of community benefit from the future development at the Coliseum:

- **LU Policy 3-40:** Encourage a mix of land uses and development that will provide job and career opportunities for local residents, with permanent, well-paying jobs (including short-term construction jobs) at the new sports facilities, at the new science and technology businesses, and in the future hotel and retail establishments.
- **LU Policy 3-41:** The City supports and encourages local hiring and training of Oakland residents, including residents from the adjacent East Oakland neighborhoods, for the new jobs envisioned in the Plan.
- **LU Policy 3-42:** Support local and/or targeted hiring for contracting and construction jobs, including pathways to apprenticeships for local residents during the buildout of the Plan (e.g. construction of new infrastructure, sports facilities, new residential and commercial buildings).
- **LU Policy 3-43:** Continue to support job training and readiness services through the Oakland Workforce Investment Board, by providing information about resources that are available, and encourage that these services are publicized in a manner that accessible to East Oakland residents, such as in an “East Oakland Training Center”.
- **LU Policy 3-44:** Consider Project Labor Agreements (PLAs) for developments in the Plan which include City of Oakland subsidy.
- **LU Policy 3-45:** The Plan can support healthy recreation and the social lives of neighborhood youth of all ages, with the inclusion of a youth/ teen center, or other innovative spaces that could be programmed by local youth and providers in or near the Plan Area; also, by the improvement of existing recreation facilities.
- **LU Policy 3-46:** To accommodate the educational needs of children in the Plan Area and in the surrounding neighborhoods, allow for a new school or education facility in or near the Plan Area; also, support the improvement of existing neighborhood schools.
- **LU Policy 3-47:** Encourage future development of a full-service grocery store in, or near, the Plan area to meet the needs of East Oakland residents.
- **LU Policy 3-48:** Consider including a health center (such as a YMCA) in, or near, the Plan Area to support the health and fitness of the East Oakland community and new residents. Similarly, the Plan supports the inclusion of a new medical facility in, or near, the Plan Area.

New affordable housing policies were added to the Plan:

Coliseum Plan Area Affordable Housing Goals and Land Use Policies # 49-54:

- **LU Policy 3-49:** Encourage a diversity of housing types, including a mixture of both rental and ownership housing.
- **LU Policy 3-50:** Encourage the development housing that addresses the needs of a diverse population, including individuals and households of all ages, sizes and income levels.
- **LU Policy 3-51:** Encourage at least 15 percent of all new units built in the Plan Area be affordable to low- and moderate-income households in mixed income developments, as well as in developments that are 100 percent affordable housing units. According to the Coliseum Specific Plan EIR, the Plan Area is projected to add between 4,000 and 5,750 new housing units over the next 20-25 years; so of the total number of units, the affordable housing target will be 600 to 860 units.
- **LU Policy 3-52:** Encourage the development of family housing (i.e. units which are larger than two-bedrooms).
- **LU Policy 3-53:** Consider the creation of a land banking program for the Coliseum Plan Area, should funding become available, that would set aside money, or dedicate public land, for sites for affordable housing.
- **LU Policy 3-54:** Continue to explore, in coordination with affordable housing stakeholders, innovative and creative ways to support the production of new housing that is affordable to low- and moderate-income households within the Plan Area. In addition, the City of Oakland will advocate for increases to federal/state/local funding for affordable housing, to support affordable housing development and for new sources of funding at the federal/state/local level, including funding the completion of the City's nexus study and the consideration of a housing impact fee on new development.

New anti-displacement policies were added to the Plan:

- **LU Policy 3-55:** The City will use all existing housing programs to attempt to minimize secondary displacement in East Oakland, with programs such as: Housing rehabilitation programs; first-time home buyer programs; housing development programs to construct or rehabilitate affordable housing; programs to provide assistance to Oakland's homeless; and funds that assist non-profit service providers and housing developers to support Oakland residents in a variety of housing related activities.
- **LU Policy 3-56:** Continue and consider expanding Rent Adjustment outreach to tenants, enforcement of Rent Adjustment regulations regarding rent increases, and Just Cause eviction regulations.
- **LU Policy 3-57:** Ensure access to home improvement/blight reduction programs for existing small properties by exploring ways to preserve and expand funding to existing Residential Rehabilitation programs to provide funds for low- to moderate-income homebuyers.
- **LU Policy 3-58:** Review the Condominium Conversion Ordinance for possibilities to strengthen protections for renters, including a potential requirement for replacement rental units for conversions in buildings with 2-4 units.

- **LU Policy 3-59:** Strengthen local relocation policies to ensure that any resident displaced as a result of a no-fault eviction, including building closure due to uninhabitable conditions, or publicly funded development activity, receives just compensation and comprehensive relocation assistance.
- **LU Policy 3-60:** Continue to promote and fund the City’s loan programs to assist with the rehabilitation of owner-occupied and rental housing for very low- and low-income households and assist senior citizen and disabled population with housing rehabilitation so that they may remain in their homes.
- **LU Policy 3-61:** Expand opportunities for homeownership by low- to moderate-income homebuyers by seeking expanded funding for the First-Time Homebuyers Mortgage Assistance program, “sweat equity” housing programs (e.g. Habitat for Humanity), and Limited Housing Equity Cooperatives.

Policies which have been revised to address sea level rise:

PI Policy 6-10:

- a. Design flood protection against a nearer-term potential 16-inch sea level rise above current Base Flood Elevation for mid-term planning and design (2050); and design gravity storm drain systems for 16 inches of sea level rise;
- b. Provide a mid-term adaptive approach for addressing sea level rise of greater than 18 inches, including incorporation of potential retreat space and setbacks for higher levels of shoreline protection, and design for livable/floodable areas along the shoreline in parks, walkways, and parking lots;
- c. Develop a long-term adaptive management strategy to protect against even greater levels of sea level rise of up to 66 inches, plus future storm surge scenarios and consideration of increased magnitude of precipitation events.

PI Policy 6-11: Include a suite of shoreline protection measures, protective setbacks and other adaptation strategies, to be incorporated into subsequent development projects. These could include:

- a. Building a shoreline protection system within Sub-Areas B, C and D to accommodate a mid-term rise in sea level of 16 inches, with development setbacks to allow for further adaptation for higher sea level rise, with space for future storm water lift stations near outfall structures into the Bay and Estuary.
- b. Considering incorporation of a seawall along the rail tracks, east of the new Stadium and/or Ballpark sites.
- c. Considering designing temporary floodways within parking lots, walkways and roadways.
- d. Constructing the storm drainage system to be gravity drained for sea level rise up to 16 inches, and pumped thereafter. Pumping should be secondary to protection.
- e. Requiring that all critical infrastructure sensitive to inundation be located above the 16-inch rise in base flood elevation.
- f. Designing buildings to withstand periodic inundation, and prohibiting below grade habitable space in inundation zones.

- g. Where feasible, constructing building pads and vital infrastructure at elevations 36- inches higher than the present day 100- year return period water level in the Bay, and add a 6- inch freeboard for finish floor elevations of buildings; and
- h. Considering construction of a protection system, such as a “living levee”, (similar to the design presented in the MTC Climate adaptation Study, 2014), along Damon Slough in Sub Area A, from its entry into the Plan Area at San Leandro Bay to its upstream confluence at Lion’s Creek.

PI Policy 6-12: Re-evaluate both Bay flooding and watershed flooding potential at key milestones in the Project’s design, to manage for changing sea level rise projections.

PI Policy 6-13: A sea level rise strategy for the Plan Area should be prepared as part of the City’s updates to the Energy and Climate Action Plan.

PI Policy 6-14: The City should carefully consider the long-term implications of new traditional development in waterfront areas, including the impacts to other Bay cities of additional levees, etc., which may be needed to protect waterfront development.

PI Policy 6-15: Throughout the City, new development should seek to provide retreat space around new waterfront development.

PI Policy 6-16: The City’s overall adaptive management strategies should be based on the latest sea level rise projections, with recommendations for regular re-analysis as climate science evolves; and done in coordination with BCDC’s Adapting to Rising Tides program.

Edgewater Seasonal Wetland and Bay Inlet proposals

The initial public review draft of the Coliseum Area Specific Plan included the conceptual proposals in Sub-Area B for development on the East Bay Regional Park’s 8- acre Edgewater Seasonal Wetland, in exchange for a swap of twice as much vacant land on the other side of Damon Slough, which could be converted to a wetland habitat, and function as does the Seasonal wetland. There was also a proposal in the draft Plan that a “Bay Inlet” would be made near Damon Slough, to allow bay waters to inundate land that could then be used as open space and new shoreline. Both of these concepts were studied in the EIR, and both require significant acquisition costs, regulatory permitting and additional environmental study to be realized. As such, the final Plan and proposed zoning for this Sub Area are effectively silent on both of these proposals. If they are pursued in the future, they will require additional CEQA review, beyond the Coliseum DEIR.

REGULATORY AND POLICY FRAMEWORK

Land Use and Transportation Element (LUTE)

The Oakland General Plan Land Use and Transportation Element (LUTE) identifies policies for utilizing Oakland’s land as change takes place and sets forth an action program to implement the land use policy through development controls and other strategies. The LUTE identifies five “Showcase Districts”, each representing a dynamic area of regional importance in the City Of Oakland targeted for continued growth. As noted previously, the Coliseum Plan Area falls within Oakland’s Coliseum Showcase District, envisioned as a regional center for entertainment and shopping.

Most of the Coliseum Plan Area currently falls within the Community Commercial, Regional Commercial and Business Mix General Plan land use designations (see map in **Attachment A**). As described in the General Plan LUTE, the Community Commercial land use designation is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the

City's major corridors and in shopping districts or centers. Smaller portions of the Plan Area are within the Estuary Policy Plan designations "Light Industry 3" and "Parks".

GENERAL PLAN – Proposed Amendments

To effectively implement this Specific Plan, amendments to both the City's current Land Use and Transportation Element (LUTE) and the Estuary Policy Plan (EPP) are recommended. One General Plan correction is also proposed. These General Plan amendments and corrections will help to better clarify the anticipated character and scale of future development, and will enable future development that is consistent with the Draft Plan to move forward in a timely and efficient manner. **Attachment A** shows the full map of proposed General Plan Amendments. **Table 2** lists the proposed General Plan Amendments.

Sub-Area A (Site of the Current Coliseum Sports Complex and BART Station)

For the expected development at Sub-Area A (the site of the current Coliseum), the City is proposing the following General Plan amendments and corrections to the LUTE:

- Amending the land use designation for the area along San Leandro Street, between the Coliseum BART station and the Union Pacific/Amtrak railroad tracks, from 66th to 76th Avenues, from "Regional Commercial" to "Community Commercial". The new "Community Commercial" land use designation will allow residential and/or commercial development more similar in character to that envisioned for the remainder of the Coliseum BART station TOD area to the east;
- Correcting the land use designation for the strip of railroad right of way in front of Lion Creek Crossings apartments, along the BART tracks, between 66th and 69th Avenues, from "General Industrial" to "Community Commercial". The purpose of this General Plan correction is to make this Union Pacific right of way area consistent with the General Plan designations for both the adjacent Lions Creek crossing development and the Coliseum BART station TOD area.
- Amending the land use designation for the two blocks on the east side of the Hegenberger overpass, at San Leandro Street, between 75th Avenue and Hawley Street. Proposed to be amended from "Business Mix" to "Community Commercial" to incentivize the private redevelopment of a two-block section of 75th Avenue which forms the gateway and a street entrance into the Coliseum BART parking lots.

These General Plan amendments and corrections are consistent with the Land Use and Transportation Element (LUTE) of the Oakland General Plan and its vision for the Coliseum/Airport transit-oriented development (TOD). They provide for mixed-use residential and commercial development in a pedestrian-oriented setting with structured parking, and aid in the transition between the surrounding single-family home neighborhoods and the regional attractions at the Coliseum District. The LUTE also calls for this transit-oriented development area to provide additional public space, to strengthen surrounding neighborhoods and to be compatible with adjoining housing, all of which could and would be achieved under these amendments.

The majority of Sub-Area A (the site of the current Coliseum) is already designated "Regional Commercial", and will not need a General Plan amendment to allow development under this Plan. Today, the Oakland Planning Code does not permit residential activities in the Regional Commercial- 1 (CR-1) zone, and creating new zoning which allows housing at the Coliseum site is proposed as part of the Specific Plan (see below).

Sub-Area B, C and D (Airport Business Park)

For the expected development within Sub-Area B, C and D, the City proposes several amendments to the General Plan Land Use Diagram (see also **Attachment A**). These amendments include:

- Amending the land use designation for the majority of Sub-Area B from “Business Mix” to “Regional Commercial”;
- Adding and adjusting the “Urban Park and Open Space” land use designation along the edges of Damon Slough, Elmhurst Creek, San Leandro Creek and the San Leandro Bay shoreline; and
- Amending the land use designations for the following list of properties, from “Business Mix” to “Regional Commercial”:
 - Properties fronting along Oakport Street, between Elmhurst Creek and Hegenberger Road;
 - Properties fronting along Pendleton Way (backing to the properties on the Hegenberger Road corridor); and
 - Properties fronting along a portion of Pardee Drive nearest to Hegenberger Road.

The “Regional Commercial” land use designation proposed for Sub-Area B is necessary to enable development of the proposed mixed-use waterfront residential development and the development of a new Arena as envisioned under the Draft Specific Plan, neither of which are permitted under the current “Business Mix” designation. The new Regional Commercial designation would be similar to the land use designation that currently exists across I-880 at the Coliseum District, better tying these two integrated development areas together.

The other “Regional Commercial” land use amendments are consistent with the General Plan LUTE’s overall planning direction for the Airport/ Gateway Showcase, which provide for primarily airport-related support services and uses within the Airport Business Park, and visitor-serving businesses such as hotels, restaurants, and retail along the Hegenberger corridor. The additions or modifications to the “Urban Park and Open Space” land use designations clarify the expected publicly-accessible open space setback from the top-of-bank of the channels and from the high water line of the shoreline.

Sub-Area E (between Damon Slough and East Creek Slough)

Sub-Area E is the only portion of the Coliseum Area Specific Plan that is currently located within the General Plan’s Estuary Policy Plan (EPP) area, rather than the General Plan LUTE. In 2013, the City adopted the Central Estuary Area Plan, which brought many of the objectives and policies of the older Estuary Policy Plan up to date with current planning conditions. However, Sub-Area E was not included as part of the Central Estuary Area Plan update, and therefore remains one of the few “leftover” portions of the prior EPP that has not had its zoning updated as part of a Specific or Area Plan. As a result, the City is now proposing to re-designate lands within Sub-Area E to be consistent with the intent of this Specific Plan for the Coliseum Area. These new land use designations from the LUTE include:

- Amending the older EPP land use designations for those City-owned properties at Oakport Street/66th Avenue, from “General Commercial 2” and “Light Industrial 3”, to “Urban Park and Open Space”; and
- Amending the older EPP land use designations for the two EBMUD-owned Oakport Street parcels near East Creek Slough, from “Light Industrial 3” (Oakport Wet Weather Facility lot) and “General Commercial 2” (vacant lot on Oakport near 66th Avenue), both proposed to be amended to “Business Mix”.

Table 2 shows the proposed General Plan Amendments and one General Plan Correction which would enable the development program and build out of the Coliseum Area Specific Plan. All changes are to the LUTE, unless noted as “EPP” (Estuary Policy Plan).

Table 2 Coliseum Area Proposed General Plan Amendments	
ID	Existing General Plan Designation Proposed General Plan Changes
A	Existing GP: Business Mix Proposed GP: Community Commercial
B	Existing GP: Regional Commercial Proposed GP: Community Commercial
C	Existing GP: Business Mix Proposed GP: Regional Commercial
D	Existing GP: None Proposed GP: Urban Park and Open Space
E	Existing GP: Urban Park and Open Space Proposed GP: Regional Commercial
F	Existing GP: Business Mix Existing GP: Urban Park and Open Space
G	Existing GP: Urban Park and Open Space Proposed GP: Business Mix
H	Existing GP: Business Mix Proposed GP: Urban Park and Open Space
I	Existing GP: Business Mix Proposed GP: Regional Commercial
J	Existing GP: Urban Park and Open Space Proposed GP: Regional Commercial
K	Existing GP: Business Mix Proposed GP: Urban Park and Open Space
L	Existing GP: None Proposed GP: Urban Park and Open Space
M	Existing GP: None Proposed GP: Regional Commercial
N	Existing GP: EPP General Commercial 2 Proposed GP: Urban Park and Open Space
O	Existing GP: EPP General Commercial 2 Proposed GP: Business Mix
P	Existing GP: EPP Light Industrial 3 Proposed GP: Urban Park and Open Space
Q	Existing GP: EPP Light Industrial 3 Proposed GP: Business Mix
R	Existing GP: EPP Parks Proposed GP: Urban Park and Open Space

S	Existing GP: EPP Light Industrial 3 Proposed GP: Urban Park and Open Space
General Plan Correction	
A	Existing GP: General Industrial GP Correction: Community Commercial

General Plan Text Amendments

In addition to the General Plan map amendments noted above, there are two Oakland General Plan text amendments proposed as part of the Plan, to the Land Use and Transportation Element (LUTE), to the Community Commercial and Regional Commercial land use designations:

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

Oakland General Plan, Land Use & Transportation Element (LUTE)

Chapter 3: Policies in Action

The Land Use Diagram

Land Use Classifications

Community Commercial

Intent: The Community Commercial Classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts or centers.

Desired Character and Uses: Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development.

Intensity/Density: Except as indicated below, the maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.
- Within the Lake Merritt Station Area Plan area, the maximum FAR for this classification is 12.0. Maximum residential density is 250 units per gross acre.
- Within the Coliseum Area Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies. Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, and I/C 3, I/C 5. Transportation Objective T2.

Industry, Commerce & Institutional Classifications

Regional Commercial

Intent: The Regional Commercial classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity.

Desired Character and Uses; A mix of commercial, office, entertainment, arts, recreation, sports, and visitor-serving activities, residential mixed use development and other uses of similar character or supportive of regional drawing power.

Intensity/Density: The maximum FAR for this classification is 4.0. Maximum residential density is 125 units per gross acre, in a mixed use project.

- Within the Coliseum Area Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, I/C 32. Neighborhood Objective N1.

OAKLAND PLANNING CODE AND ZONING MAPS

The Oakland Planning Code serves to implement General Plan policies, and is found in Title 17 of the Oakland Municipal Code. The Planning Code governs land uses and development standards, such as building height, bulk and setback, for specific zoning districts within Oakland. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the project proposed conforms to the Planning Code, or an exception is granted pursuant to provisions of the Planning Code. The Zoning Maps of the Planning Code show the locations of zones districts for all land in the City of Oakland. The Existing Zoning Map, the proposed Zoning Map, and the proposed Planning Code Amendments for the Plan Area are included in **Attachment B** to this report.

The discussion below focuses only on the proposed new zones, designated “D-CO-1” through D-CO-6”, and not the ancillary changes throughout the Planning Code which must also be changed to allow for consistency with these new Coliseum area zones (see pages 23-133 of **Attachment B** to this report), such as parking regulations.

Proposed Planning Code Amendments

Several components of new development planned within the Coliseum District conflict with the City’s current Planning Code requirements and zoning map, but would be made consistent through the creation of new zoning districts and zoning changes unique to this Specific Plan. The new zoning districts (See **Attachment B**) include the following:

Coliseum District

- A new “Coliseum District-1” zone (D-CO-1) will replace the current Transit Oriented Development zone (S-15) mapped currently around the Coliseum BART station, to the centerline of Hawley Street⁵. The D-CO-1 Zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and

⁵ The east side of Hawley Street is also currently zoned S-15, and that zoning would remain unchanged in the current proposal. This area includes several light industrial properties facing Hawley Street from 71st Avenue to Hegenberger. The height limit in this section of Hawley Street is currently 60 feet, which would remain unchanged in this proposal.

mixed-use developments, to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities. The new D-CO-1 zone would apply to all properties east of the Union Pacific Railroad (UPRR) railroad tracks that are within the Coliseum Specific Plan Area. The D-CO-1 zone will specify that buildings within 100 feet of any Residential or S-15 zone will have a maximum height limit of 85 feet. This will require any new buildings to “step down” in height near the existing single-story houses on 71st Avenue or properties on Hawley Street. This step-down height requirement will ensure that any new development on the BART parking lot is compatible with the current built character of the existing (low-rise) neighborhood. The current S-15 zoning has a height limit of 75 feet for the BART parking lots. The proposed new height for D-CO-1 would be 159 feet (unless FAA review and Conditional Use Permit (CUP) review permits taller building heights) for the portions of the BART parking lot that are farther than 100 feet from an existing Residential or S-15 zone boundary.

- A new “Coliseum District-2” zone (D-CO-2) would replace the current “Regional Commercial-1” (CR-1) zone that applies to the majority of the Coliseum District. The new D-CO-2 zone will specifically permit and encourage development of regional-drawing centers of activity such as new sports and entertainment venues, residential, retail, restaurants, and other activity generating uses, as well as a broad spectrum of employment activities. The new D-CO-2 zone will clarify that any building height over 159 feet will require FAA review and Conditional Use Permit (CUP) approval.

City Zoning – Sub-Area E and Portions of Sub-Area B

Beyond Sub-Area A, there are only a limited number of sites that are currently under the City of Oakland’s land use jurisdiction and where City zoning can effectively regulate new development consistent with the Draft Specific Plan. These areas include all of Sub-Area E, and portions of Sub-Area B which have been previously removed from the Port of Oakland’s land use jurisdiction. The remainder of Sub-Area B and all of Sub-Areas C and D remain under the land use jurisdiction of the Port of Oakland and its Land Use and Development Code (LUDC). The new City zoning that would be applied to these lands includes the following:

- A new “Coliseum District-3” zone (D-CO-3) will replace the existing “Industrial/Office” (IO) zone for properties located in Subarea B between Oakport Street and Edgewater Drive. These properties in Subarea B include lands envisioned as a potential location for a proposed new sports/special events Arena. The new D-CO-3 zone would also include the existing IO-zoned properties located along Oakport Street between Elmhurst Creek and Hegenberger Road; and the Regional Commercial (CR-1)-zoned properties along the north side of Hegenberger Road down to Earhart Drive. The D-CO-3 Zone is intended to create, maintain and enhance areas suitable for a wide variety of retail, commercial, and industrial operations along the Oakport Street and Hegenberger Road corridors, and in region-drawing centers of commercial, and light industrial activities. The D-CO-3 zone would not permit residential uses.
- A new “Coliseum District-4” zone (D-CO-4) will replace the existing “Industrial/Office” (IO) zone for those properties between Edgewater Drive and the San Leandro Bay shoreline in Sub-Area B only; primarily, the City’s Corporation Yard. The D-CO-4 Zone is intended to create, maintain and enhance a mix of activities on or near the Northwest Edgewater Drive waterfront. The D-CO-4 zone would conditionally permit residential activities between Edgewater Drive and the waterfront;

- A new “Coliseum District-5” zone (D-CO-5) will replace the existing “Industrial/Office” (IO) zone for those properties along Edgewater Drive in Sub-Area C (to Pendleton Way), and the properties in the existing CIX-2 zone in Sub-Area D (Pardee Drive). The D-CO-5 Zone is intended to create, preserve, and enhance areas near Pardee Drive and within the southern portion of the Airport Business Park that are appropriate for a wide variety of office, commercial, industrial, and logistics activities. The new D-CO-5 zone will permit a similar mix of light industrial and warehousing activities as is allowed under current city zoning, and it would not permit residential activities;
- The new D-CO-6 zone would apply to those City-owned and EBMUD-owned properties along Oakport Street from East Creek Slough to 66th Avenue within Sub-Area E (these lands are not within Port jurisdiction). The D-CO-6 Zone is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher-intensity commercial and light industrial land uses and development types. The new D-CO-6 zone would replace the existing Industrial (M-40) zoning that applies. This zone would not permit residential activities.

Proposed Zoning Map Amendments

Table 3 shows the different zoning changes proposed to amend the current Zoning Maps, which would be necessary for the full development program and build out of the Coliseum Area Specific Plan.

Table 3 Coliseum Area Proposed Zoning Amendments		
ID	Existing Zoning Proposed Zoning	Acres
1	Existing Zoning: S-15 Proposed Zoning: D-CO-1	17
2	Existing Zoning: CIX-2 Proposed Zoning: D-CO-1	4
3	Existing Zoning: CR-1 Proposed Zoning: D-CO-1	34
4	Existing Zoning: CR-1 Proposed Zoning: D-CO-2	191
5	Existing Zoning: IO Proposed Zoning: D-CO-3	31
6	Existing Zoning: CR-1 Proposed Zoning: D-CO-3	50
7	Existing Zoning: CR-1 Proposed Zoning: OS	3
8	Existing Zoning: CR-1 Proposed Zoning: D-CO-3	40
9	Existing Zoning: M-40 Proposed Zoning: D-CO-5	1
10	Existing Zoning: CIX-2 Proposed Zoning: D-CO-5	84
11	Existing Zoning: CIX-2 Proposed Zoning: OS	17
12	Existing Zoning: M-40 Proposed Zoning: D-CO-5	8

ID	Existing Zoning	ID
13	Existing Zoning: IO Proposed Zoning: D-CO-5	105
14	Existing Zoning: M-40 Proposed Zoning: OS ()	128
15	Existing Zoning: M-40 Proposed Zoning: OS	18
16	Existing Zoning: IO Proposed Zoning: OS	4
17	Existing Zoning: IO Proposed Zoning: D-CO-4	22
18	Existing Zoning: IO Proposed Zoning: D-CO-3	82
19	Existing Zoning: M-40 Proposed Zoning: D-CO-4	7
20	Existing Zoning: M-40 Proposed Zoning: OS	1
21	Existing Zoning: M-40 Proposed Zoning: D-CO-3	2
22	Existing Zoning: IO Proposed Zoning: D-CO-3	6
23	Existing Zoning: IO Proposed Zoning: OS	2
24	Existing Zoning: CIX-2 Proposed Zoning: OS	7
25	Existing Zoning: M-40 Proposed Zoning: OS	47
26	Existing Zoning: M-40 Proposed Zoning: D-CO-6	41
27	Existing Zoning: M-40 Proposed Zoning: OS	15
28	Existing Zoning: CIX-2 Proposed Zoning: D-CO-3	1
29	Existing Zoning: CIX-2 Proposed Zoning: CIX-1	11
30	Existing Zoning: S-15 Proposed Zoning: D-CO-1	2

A table which compares the existing zoning districts (S-15, CR-1, IO, and CIX-2) in the Plan Area to the six proposed new “Coliseum District zones” is included as **Attachment D** to this report.

Corrections to Proposed Planning Code Amendments made after the ZUC meeting of January 21, 2015

After the ZUC meeting of January 21st, City staff made the following corrections to the zoning which had been proposed:

- 1) In D-CO-4, “Light Manufacturing” activity is now proposed as conditionally permitted; in the ZUC proposal of January 21st, the activity was permitted with several limitations;
- 2) In D-CO-3, D-CO-5 and D-CO-6, “Satellite Recycling Collection Centers” activities are now prohibited; in the ZUC proposal of January 21st, these activities were conditionally permitted. Staff determined there is enough available land in the neighboring Central Estuary Plan area which allow this type of recycling.
- 3) In the Maximum Height section (Additional Regulations for Table 17.101H.03, note 6): a step-down height requirement was added for buildings in the D-CO-1 Zone, to ensure that new construction on the BART parking lot makes a compatible transition to the low-rise character of the surrounding neighborhood.

In addition, **Attachment B** to this report contains approximately 100 pages of ancillary proposed changes to the Planning Code which were not presented to the Zoning Update Committee of January 21st, and which are now made public for the first time. These proposed changes to the Planning Code are necessary to both incorporate the new “D-CO” zones throughout the Planning Code (such as in the Parking chapter, 17.116), and also to include necessary corrections which amend the Planning Code after the recent adoption of the new zoning in West Oakland, as part of the West Oakland Specific Plan. Particularly, note Section 17.136.025, Exemptions from design review, which, in sub-sections (f) and (g), clarify that design review for new and renovated industrial buildings is only required in the new West Oakland zones of CIX 1-A, 1-B, 1-C, and 1-D, not citywide.

KEY ISSUES

Oakland Airport Business Park

Land Use Jurisdiction

The City of Oakland currently has land use jurisdiction over only a small portion of the Oakland Airport Business Park, and none of the northern portion of Hegenberger Road. These Plan Areas are instead under the land use jurisdiction of the Port of Oakland. New development in these areas must adhere to the development regulations in the Port of Oakland’s Land Use and Development Code (LUDC), instead of the City of Oakland’s Planning Code, and receive development permit approval from Port staff. The area within the Port’s regulatory jurisdiction consists of most of the Draft Plan’s Sub-Area B and all of Sub-Areas C and D (see **Attachment C**).

It is important to note that the proposed new Coliseum zones (“D-CO-1” through “D-CO-6”) will not govern land uses or design standards in the areas of the Port of Oakland’s land use authority (such as the Oakland Airport Business Park). Therefore, unless the Port decides to either cede land use authority to the

City, or amend its own Land Use and Development Code to match the vision and intent of the Coliseum Area Specific Plan, it is unlikely there would be any significant land use changes in the Airport Business Park as a result of the Specific Plan.

Potential New Residential Uses in the Business Park

New development pursuant to Plan Buildout within the Oakland Airport Business Park includes a potential mixed-use waterfront residential development with a retail component, proposed to be located between Edgewater Drive and the San Leandro Bay shoreline, in the area bounded by Damon Slough and Elmhurst Creek. Under the Port of Oakland's LUDC, residential uses are not currently permitted on any properties within the Oakland Airport Business Park, and retail use is only permitted within the Commercial Corridor area along Hegenberger Road and on certain parcels adjacent to Oakport Street. The introduction of new residential and mixed-use development within the boundaries of the Business Park would therefore be in conflict with the Port's current land use regulations as specified in the LUDC. These proposed new uses along the San Leandro Bay waterfront would also require the relocation of the City's Corporation Yard elsewhere in Oakland.

In the Draft EIR, there is a discussion of this potential conflict:

The Specific Plan notes that implementation of the proposed Project will require the Port to consider this EIR as a responsible agency, and potentially to co-adopt the Specific Plan or to cede land use jurisdiction over certain properties to the City of Oakland, or adopt amendments to the LUDC to allow the development program proposed by the Plan.

Recommendation/Project Requirement Land-6⁶: In order to enable implementation of the Project as proposed, the Port Board of Commissioners must either:

- a) Adopt the Specific Plan as its new land use plan for the Business Park, or
- b) Elect to cede land use authority over the ultimate new Arena site and the waterfront residential site to the City of Oakland, or
- c) Choose to instead amend its own LUDC to allow the new Arena and waterfront residential /retail mixed use as permitted or conditionally permitted uses within the Business Park.

A City/Port working group has been formed to discuss these three options, and its members have generally agreed that option C above -- amendments to the LUDC -- is the most likely implementation scenario, should the City of Oakland adopt the Coliseum Area Specific Plan and certify the EIR. If the Port Board were to decide on any of the three actions described in the DEIR, the conflict with plans and policies of the Port's LUDC would no longer apply. However, unlike the recommended changes to applicable City of Oakland's policies and regulations, the City does not have jurisdictional authority to change or modify the Port's LUDC, and cannot ensure implementation of this requirement.

If, on the other hand, the Port Board decides not to take any of the actions identified in Recommendation/Project Requirement Land-6, then the proposed new Arena and the proposed new waterfront residential

⁶ Coliseum Area Specific Plan DEIR, Chapter 4.9, page 54.

mixed-use development would directly conflict with the LUDC, and those elements of the Project could not move forward.

Other proposed development within Sub-Areas B, C, and D includes Science and Technology offices, light industrial, logistics and warehouse uses – all of which are permitted uses in this area pursuant to the Port’s LUDC.

Proposed “Bifurcation” or two-tier, zoning proposal for Business Park

A number of business owners are concerned about the potential impact of the proposed new zoning on the existing operations of the Business Park companies, including impacts from traffic, and possible incompatibilities should residential activities be introduced on the lands currently leased by the City for its corporation yard (see discussion above). Because of these concerns, there has been a request to “bifurcate” the zoning proposal, and consider the new zoning for the areas below I-880 on a separate track.

It is staff’s opinion that while some level of “bifurcation” may be feasible, in order for the Coliseum Planning effort to fulfill one of its primary objectives and facilitate the construction of up to three new sports venues, including a potential new waterfront venue in Sub-Area B, new land use regulation for at least a portion of Sub-Area B may be needed in the near term. Therefore, one scenario the City could discuss with the Airport business community is the potential to only adopt a new zoning map for Sub Areas B and E on the current adoption schedule, and not change the current zoning designations at this time for parcels in the rest of the Business Park (Sub Areas C and D).

Under this scenario, a task force of City and Port staff, with business and property owners, could further discuss the needs of the Business Park, in terms of infrastructure investment and allowed land uses, and, after the task force has made its recommendations, new zoning could be pursued through the public review process. The Coliseum Area Specific Plan and EIR, if certified by the Planning Commission and adopted by the City Council, would still be valid for the development program in the Plan as it pertains to the Airport Business Park. Likewise, the proposed zoning amendments that create the new Coliseum Plan districts “D-CO-1” through “D-CO-6” would still be considered by the Planning Commission, but, under this two-tier scheduling, would not be mapped in Sub Areas C and D. This revised, two-tier scenario will be discussed with area business-owners at a meeting on February 17th (see “Next Steps” section below).

Public participation in the Coliseum Area Specific Plan

Table 4 below details all of the public hearings, workshops and meetings the City has organized to allow the public and the business community to be informed of, and participate in, the Coliseum Planning process. This table does not include meetings attended by the City’s master development team, JRDV Urban International, or its development partner, New City Development. LLC. In addition, the City has mailed printed notices for the public hearings to property owners inside the Plan area and in neighborhoods surrounding the Plan area; as well as maintained an email list-serve of 630 addresses, where periodic announcements and notices are given about upcoming hearings and events⁷. A complete list of the public comments made at these public meetings and workshops, and individual comments given to staff will be available as part of the February 18th Planning Commission staff report.

⁷ Sign up at the City’s webpage, www.oaklandnet.com/coliseumcity-- click the “subscribe for updates” link.

Table 4. City of Oakland Coliseum public hearings, workshops and presentations given by staff:

Date	Meeting	Notes
January 21, 2015	Zoning Update Committee of the Oakland Planning Commission	First public meeting on proposed zoning text (general zoning proposals and specific zoning maps were published in the August, 2014 Draft Specific Plan)
January 8, 2015	Community Workshop	81st Avenue Library
December 18, 2014	Community Workshop	81st Avenue Library
December 17, 2014	City staff presentation to NCPC Beats 33 and 34X meeting	
November 18, 2014	City staff presentation to Urban Peace Movement	Youth organization
October 16, 2014	City staff presentation to Communities for a Better Environment	
October 14, 2014	City staff presentation to Allen Temple Arms	Senior housing
October 9, 2014	Community Workshop	81st Avenue Library
October 1, 2014	Oakland City Planning Commission	Draft EIR public hearing
September 27, 2014	City staff presentation to Council District 7 Leadership Breakfast	
September 25, 2014	Port of Oakland Board of Commissioners public hearing	
September 24, 2014	City staff presentation to East Bay Housing Organizations (EBHO)	
September 24, 2014	Oakland-Alameda County Coliseum Authority (JPA) public hearing	
September 18, 2014	Oakland Bicyclist and Pedestrian Advisory Commission (BPAC) public hearing	
September 17, 2014	Alameda County Airport Land Use Commission public hearing	
September 10, 2014	Oakland Parks and Recreation Advisory Commission (PRAC) public hearing	
September 8, 2014	Landmarks Preservation Advisory Board (LPAB) public hearing	Draft EIR public hearing
September 4, 2014	Public workshop for business community in Airport area (open to public)	Held at Airport Red Lion Hotel

August 4, 2014	City staff presentation to Palo Vista Gardens residents (Oakland Housing Authority)	Seniors
June 25, 2014	Community workshop	81st Avenue Library
May 22, 2014	City staff presentation to Lion Creek Crossings residents	
April 26, 2014	Community workshop	City Hall
April 24, 2014	Community workshop	Held at Airport Red Lion Hotel
February 26, 2014	City staff presentation to AABA Economic Development Committee	Airport Area Business Association committee
May 13, 2013	Landmarks Preservation Advisory Board (LPAB) public hearing	EIR scoping session
May 1, 2013	Oakland City Planning Commission public hearing	EIR scoping session

However, despite the City’s outreach efforts to date, a number of Commissioners, public speakers and comment letters have expressed concern that the public (residents of Oakland, and specifically, residents of East Oakland neighborhoods near the Coliseum) and business owners (specifically, owners of business in the Oakland Airport Business Park) have not had enough opportunity to review the Plan and the proposed new zoning.

Therefore, the City is scheduling two additional public workshops to better inform the public about the Plan and the new zoning, and to hear public comment in advance of the February 18, 2015 Planning Commission hearing. The first workshop will be directed to East Oakland residents (February 11th); and the second will be directed to business owners in the Business Park (February 17th). See “Next Steps” section below for details.

ENVIRONMENTAL DETERMINATION

The City of Oakland is the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and has prepared an Environmental Impact Report (EIR) for the Coliseum Area Specific Plan (Project). No Initial Study was prepared for the Project, pursuant to Section 15060(d) of the CEQA Guidelines. The Draft EIR analyzes all environmental topics identified in the City of Oakland CEQA Thresholds of Significance at a level of detail warranted by each topic.

On April 19, 2013, the City of Oakland issued a Notice of Preparation (NOP), to inform agencies and interested parties of its intent to prepare and distribute a “Draft EIR for the Coliseum Area Specific Plan.” The Landmarks Preservation Advisory Board and the City of Oakland Planning Commission held Scoping Meetings on May 13 and May 1, 2013, respectively, to accept comments regarding the scope of the EIR in response to the NOP. On August 22, 2014, the City issued the Draft EIR; the comment period ended October 6, 2014. A Final EIR which has responses to all comments received, and revisions to the Draft EIR, will be released by the City on February 6, 2015, and discussed at a public hearing of the Planning Commission on February 18, 2015.

CONCLUSION AND NEXT STEPS

The Oakland Planning Commission is being asked to hear from the public, and to provide feedback to Strategic Planning staff on the proposed final Draft Specific Plan, General Plan Amendments, and Planning Code amendments (text and map changes).

The tentative schedule for future public meetings and hearings that will be held on the final Plan, EIR and Zoning include:

- February 9, 2015: Oakland Landmarks Preservation Advisory Board;
- February 11, 2015: Community Workshop for East Oakland residents (open to public), at the 81st Avenue Library (1021 81st Avenue), 6 to 8 p.m.;
- February 17, 2015: Workshop for Business owners (open to public), at OneToyota dealership (8181 Oakport Street, community meeting room), 9 to 11 a.m.;
- February 18, 2015: Oakland Planning Commission hearing #2, to consider certifying the Final EIR and recommending the City Council adopt the final Coliseum Area Specific Plan;
- March 10, 2015: City Council Community and Economic Development Committee (tentative);
- March 11, 2015: Oakland Parks and Recreation Advisory Commission;
- March 19, 2015: Alameda County Airport Land Use Commission (tentative);
- March 31, 2015: Oakland City Council hearing #1 (tentative);
- April 21, 2015: Oakland City Council hearing #2 (tentative).

RECOMMENDATION:

Take public testimony on Coliseum Area Specific Plan, the proposed General Plan Amendments, Planning Code Amendments and Zoning Map changes, and receive Planning Commission comments on these proposals.

Prepared by:



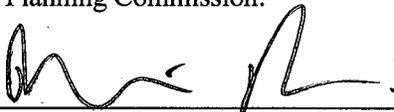
DEVAN REIFF, AICP
Planner III

Approved by:



ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Department of Planning and Building

ATTACHMENTS:

- A. January 21, 2015 Zoning Update Committee Staff Report
- B. Proposed new Zoning Map and proposed new Planning Code amendments (new section "Chapter 17.101H - D-CO Coliseum Area District Zones Regulations")
- C. Map of Coliseum Plan Sub-Areas
- D. Comparison Table of new D-CO zones with existing zones in the Plan Area

Project Name:	Coliseum Area Specific Plan and EIR Scoping Session
Location:	The Coliseum Area Specific Plan area (“Plan Area”) is located in Oakland and covers an area of approximately 800 acres bounded by 66th Avenue to the north, San Leandro Street on the east, Hegenberger Road on the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area includes the Oakland-Alameda County Coliseum and Arena, and the Oakland Airport Edgewater Business Park.
Proposal:	Conduct a public meeting, and receive public and Zoning Update Committee comments on the proposed General Plan and Planning Code amendments (text and map changes), and Design Guidelines associated with the Coliseum Area Specific Plan (collectively called “Related Actions”). These proposals include the creation of six new district-specific zoning classifications: “D-CO-1” through “D-CO-6”, as well as additional necessary changes to the Oakland Planning Code to incorporate the proposed new zones, and changes to the Zoning Maps to implement them. In addition to the proposed zoning, there will be proposed General Plan Amendments associated with the Specific Plan—both to the <i>Estuary Policy Plan</i> and the <i>Land Use and Transportation Element</i> of the Oakland General Plan.
Contact Person/Phone Number:	Devan Reiff, 510-238-3550 or Ed Manasse, 510-238-7733
Applicant:	City of Oakland
Case File Number:	ZS13103 / ER130004 / SP14001 / GP14002 / ZA14001
General Plan:	<u>Land Use and Transportation Element (LUTE) Areas:</u> Regional Commercial, Community Commercial, Business Mix. <u>Estuary Policy Plan Areas:</u> General Commercial 2, Light Industry 3, Parks.
Zoning:	CR-1, IO, M-40, S-15, CIX-2
Environmental Determination:	An Environmental Impact Report (EIR) has been prepared for the Coliseum Area Specific Plan. The Draft EIR (DEIR) was published on August 22, 2014; the comment period ended October 6, 2014. A Final EIR is expected to be published February 6, 2015.
Historic Status:	CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources), include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance).
Service Delivery Districts:	5, 6
City Council Districts:	7 (with City Council District 6 representing the 66 th Avenue frontage of Plan Area)
Commission Action to Be Taken:	No decision. The purpose of this meeting is to receive public and Planning Commission comments on the proposed Planning Code, Zoning Maps and General Plan Amendments.
Finality of Decision:	n/a
For Further Information:	Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com Project website: www.oaklandnet.com/coliseumcity

SUMMARY

The City is preparing draft General Plan and Planning Code amendments (text and map changes), to accompany and implement the concepts and policies contained in the Draft Coliseum Area Specific Plan

(Draft Specific Plan). These implementation regulations will help establish the future character of the Coliseum District and Airport Business Park areas, by providing detailed regulations on land use activities, along with guidance on the design of buildings, streets, and public spaces.

The Draft Coliseum Area Specific Plan was discussed at the October 1, 2014 Planning Commission. A summary of the proposed General Plan amendments and proposed new Zoning can be found in Chapter 7 of the Draft Specific Plan; a revised General Plan Amendments map is **Attachment A** to this report. Also included in **Attachment A** is the proposed text changes to the *Land Use and Transportation Element* of the General Plan. The existing Zoning Map and a revised Zoning Map is **Attachment B** to this report¹. The draft Planning Code amendment language is **Attachment C** to this report. The Draft Specific Plan can also be viewed online at: www.oaklandnet.com/coliseumcity, (under the section called ‘Plans, Documents and Media’), and is available for review at the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612 and at the City of Oakland Planning Department (250 Frank Ogawa Plaza, Suite 3315).

The purpose of this public meeting is to solicit comments from the Planning Commission and the public on the proposed amendments to the Oakland General Plan, the Oakland Planning Code, and to the Zoning Maps. Staff will clarify that proposed City zoning changes will not supersede the Port of Oakland’s Land Use Development Code (LUDC) in areas under the land use jurisdiction of the Port of Oakland.

The Draft Coliseum Area Specific Plan (Draft Specific Plan) articulates a new forward-looking vision for the area between 66th Avenue and Hegenberger Road, including the Oakland-Alameda County Coliseum complex, the Coliseum BART station and adjoining parking lots, the Oakland Airport Business Park, and environs. The Draft Specific Plan supports the City’s efforts to retain Oakland’s three major professional sports teams. The City of Oakland’s Bureau of Planning prepared a DEIR on the Draft Specific Plan that evaluates the environmental impacts of the proposed development.

PLAN BOUNDARY

The Coliseum Area Specific Plan Area (Plan Area) covers approximately 800 acres, and is generally bounded by 66th Avenue and East Creek Slough to the north, San Leandro Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area is divided for Specific Plan purposes into five Sub-Areas, A through E (see **Attachment D**). For ease of comprehension, the current Coliseum/Arena site and Coliseum BART station area are designated as Sub-Area A; the Oakland Airport Business Park as Sub-Areas, B, C and D, and the open space and East Bay Municipal Utility District-owned lands between Damon Slough and East Creek Slough as Sub-Area E. As used in the Draft Specific Plan and in this report, the “Coliseum District” describes an area which includes both the current Coliseum/Arena complex in Sub-Area A and a portion of Subarea B on the west side of I-880.

¹ Revised from the Maps published in the August 22, 2014 public review draft of the Plan and discussed at the City Planning Commission hearing on October 1, 2014.

BACKGROUND

For over 15 years, the City’s General Plan has envisioned a transformed Coliseum Area. In 1998, the *Land Use and Transportation Element* (LUTE) of the Oakland General Plan identified the Coliseum Area as a “Showcase District.” The proposed Coliseum Area Specific Plan is intended to implement the following General Plan vision for the Coliseum Area from the General Plan LUTE:

The number of visitors that come to the Coliseum, its excellent transportation access and the availability of land nearby combine to offer a superb prospect for the area’s future as regional center of entertainment and commercial recreation. The General Plan envisions the Coliseum Complex at the center of a regional shopping, entertainment and recreation district....Linkages between the Coliseum and Airport and the Coliseum and Waterfront are critical to the future economic potential of this area, and a special plan is needed to guide development of the Coliseum showcase to maximize its potential.²

In 2011, the City issued a Request for Proposals (RFP), seeking a team of consultants and developers who could create a new vision for the Coliseum area. In March of 2012, the Oakland City Council entered into an Exclusive Negotiating Agreement (ENA) with a team of urban designers, architects and developers led by the Oakland-based firm of JRDV Urban International, with an environmental and planning team led by Lamphier-Gregory (also an Oakland-based company). In 2013, the City issued a Notice of Preparation (NOP) of a Draft EIR and held two scoping sessions, before the Landmarks Preservation Advisory Board and the Planning Commission.

In 2014, as administrative drafts of the Plan and the CEQA analysis for the EIR were being prepared, the City held three public workshops to hear comments, and make further refinements to the Draft Specific Plan. On August 22, 2014, the Draft Specific Plan and Draft EIR were released. On September 8, and on October 4, 2014, the City held public hearings before the Landmarks Preservation and Advisory Board, and the Planning Commission³. Also in the fall and winter of 2014, the City held three additional public workshops and staff attended community meetings to discuss and hear public comments on the Plan and EIR.

PROJECT DESCRIPTION

The Draft Coliseum Area Specific Plan is intended to provide both a short-term development plan for the accommodation of up to three new venues for the City’s professional sports teams, and a longer term, 20- to 25-year planning document providing a roadmap for land use policy, regulatory requirements and public and private investment that coordinates future development of new residential, retail, hospitality, office, and science and technology uses, to create significant long-term value for the City of Oakland and Alameda County. The Draft Specific Plan envisions a comprehensive transformation of what is currently one of the largest under-developed, inner-urban, transit-served redevelopment opportunities in California. The City sees implementation of the Draft Plan as a critical opportunity to revitalize some of Oakland’s most important physical assets, and transform these assets into an area that generates long-term economic growth for the City.

The Draft Specific Plan includes six goals to achieve this transformation:

1. Retain Oakland’s existing professional sports teams, and maximize the economic value for Oakland and Alameda County from these sports facilities.

² LUTE, pages 44-45. (emphasis added).

³ A full list of public meetings and hearings can be seen on the City’s website, www.oaklandnet.com/coliseumcity.

2. Create a regionally significant jobs and employment area that can expand Oakland's ability to attract new businesses and supports existing businesses, given the area's available land and its prime transit-oriented and airport-adjacent location. Participate in the Bay Area's dynamic "innovation economy", and attract new businesses and job opportunities to the surrounding East Oakland area.
3. Improve the area's existing investments in transit and transportation infrastructure; create a Transit Oriented Development (TOD) of new housing and commercial uses which advances regional and state growth policies; increase Oakland's ability to leverage its central position in the Bay Area, and capture a larger share of regional housing growth, job growth and economic investment.
4. Create a vibrant urban mixed-use district, attracting a significant community of residential and commercial uses. The Coliseum area will feature active streets and public spaces that provide an enhanced pedestrian experience, site security and innovative urban place-making.
5. Create enhanced open space, Bay access, and natural habitat opportunities that will restore natural habitat, and create public educational and Bay accessibility opportunities for Oakland and Bay Area residents.
6. Build upon and promote Oakland's recognized leadership and policies in protecting the urban environment, through the use of building techniques which require fewer natural resources, and create a place which is committed to sustainability.

The approximately 800-acre Plan Area is divided for Specific Plan purposes into five "Sub-Areas" (see **Attachment E**):

Sub-Area A

The 243-acre Sub-Area A is urbanized, currently dominated by the Coliseum sports complex, surface parking, industry, and transportation infrastructure. The Coliseum sports complex is jointly owned by the City of Oakland and Alameda County; it consists primarily of the existing Arena venue for professional basketball and special events (Oracle Arena), and the Coliseum venue for professional football, baseball and special events (O.co Coliseum). Sub-Area A also includes City-owned land, additional private properties to the east along both sides of San Leandro Street, and the existing Coliseum BART Station. The Draft Plan addresses Sub-Area A in a greater level of detail, being the most likely area for early phase of development.

Sub-Area B

Sub-Area B is approximately 127 acres, and contains the northerly portion of the Oakland Airport Business Park, freeway-oriented retail and office buildings along the Oakport Street frontage of I-880, and an aging, but well-maintained light industrial and office park district (Oakland Airport Business Park) along Edgewater Drive. The shoreline consists of the MLK Shoreline Park, which features a vegetated pedestrian trail and bike path with views looking across San Leandro Bay, as well as property the City of Oakland leases from the Port of Oakland for the City's Public Works Corporation Yard.

Sub-Area C

Sub-Area C is approximately 189 acres in size and contains the eastern portion of the Oakland Airport Business Park. Currently, this Sub-Area contains 2.25 million square feet of building space, largely made up of an inter-related mix of light industrial, and office uses, as well as a Walmart store and adjacent retail shopping center off Hegenberger Road at Edgewater Drive. Sub-Area C continues the light industrial and office park district along Edgewater Drive and the shoreline park.

Sub-Area D

Sub-Area D is approximately 136 acres in size and includes the southern portion of the Oakland Airport Business Park nearest to the Oakland International Airport. It contains approximately 1.66 million square feet of building space, including large logistics and distribution businesses and activities, as well as light industrial, hotel, and retail and restaurant uses along Hegenberger Road. The western edge of Sub-Area D abuts, but does not include Arrowhead Marsh and the Martin Luther King Jr. Shoreline Park.

Sub-Area E

Sub-Area E is approximately 105 acres in size, and is located on the westerly or water-side of I-880, between Damon Slough and East Creek Slough. The uses here consist of East Bay Municipal Utility District facilities and corporation yard, City of Oakland Oak Port recreation fields for soccer and open space, and land leased to the East Bay Regional Parks District for MLK Shoreline Park trails.

A summary of the Draft Specific Plan build-out includes up to three new sports facilities totaling nearly 4.25 million square feet of building space for 47,000 new seats; an increase of up to eight million square feet of Science & Technology, office, light industrial, logistics and retail space; and 5,750 new residential units, as shown in **Table 1**. The Draft Specific Plan buildout accommodates up to 14,000 structured parking spaces, and 4,000 surface parking spaces on the Coliseum site.

The Draft Specific Plan will also evaluate the feasibility of creating nearly 34 acres of new, publically accessible open space within Sub-Areas A and B, and additional acres of restored open space in Sub-Area E.

The Draft Specific Plan has been prepared with sufficient flexibility to allow for a number of alternative development scenarios, and the continued guidance of future development in the Plan Area even if one or more of the sports teams were to relocate out of the Coliseum Area. Therefore, the DEIR also studies the environmental effects of a two-team, a one-team, and a no-team project alternative.

A summary of the net change in land uses within the Plan Area is shown in the following **Table 1**.

Table 1: Net Change in Land Use at Plan Buildout (in square feet)

Land Use Type:	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D	Sub-Area E	Total
<i>Total Acres</i>	243	127	189	136	105	800
Stadium (seats)	72,000					72,000
Ballpark (seats)	39,000					39,000
Arena (seats)	20,000					20,000
Event-Based Retail	225,000					225,000
Retail	183,050	58,800	43,280	17,800		302,930
Auto Retail	(89,000)		29,000			(60,000)
Hotel	598,500					598,500
Office	(82,500)		98,970	68,000		84,470
Science and Tech.	1,500,130	2,817,570				4,317,700
S&T/ Off. /Light Industrial	-		3,101,520			3,101,520
Light Industrial	-	(676,800)	(21,300)			(845,700)
Logistics/ Distribution				286,710		286,710
Institutional	(7,750)		(8,000)			(15,750)
Government/ Utility ⁴	(62,400)	(15,800)				(78,200)
Total Square Feet	2,117,430	2,183,770	3,243,470	372,510		7,917,180
Residential Units	4,000*	1,750				5,750

**Includes 2,300 new residential units built on the current Coliseum BART parking lots.*

The Draft Specific Plan will provide separate development concepts for each of the Plan Sub-Areas, as described below. Each of these development concepts require further, more detailed planning and analysis, as well as investigation into financing strategies necessary for implementation. None of these Draft Specific Plan concepts currently represent a definitive end-state, or an obligation on the part of either the City or the sports franchises, but are instead a statement of the area’s potential.

⁴ These figures do not include the Zhone Technologies building, which, as of September 2014, the Alameda County General Services Agency was in contract to purchase with the intention of centralizing some County offices.

Because of the complexity of the Draft Specific Plan's development program for the Plan Area's 800 acres, this report will focus on selected goals for both the "Coliseum District" (which consists of Subarea A [the site of the current Coliseum and Arena, and their surrounding surface parking lot] and a portion of Subarea B on the west side of I-880) and the Oakland Airport Business Park and environs.

A. Selected goals for the Coliseum District:

- **New Sports Venues:** Development of up to three (3) new multi-purpose sports/entertainment facilities that retain the City's professional sports teams in Oakland, provide attractions that bring people to the area, and facilitate the development of other uses nearby. This development program includes a proposed new National Football League (NFL) stadium for the Oakland Raiders; a new Major League Baseball (MLB) ballpark for the Oakland A's; and the potential for a new National Basketball Association (NBA) arena for the Golden State Warriors. Under a number of the Draft Specific Plan scenarios, the current Arena would remain as a multi-purpose event venue.
- **Housing:** Development of new housing, both in a proposed "ballpark village" near the sports facilities (up to 1,500 residential units), and in Transit-Oriented Developments (TODs) surrounding the Coliseum BART station (up to 2,300 units)
- **Pedestrian access:** proposed new elevated pedestrian concourse that would connect from the Coliseum BART station to the new sports/entertainment areas at the current Coliseum site. This elevated connector could potentially extend over I-880 and link BART to San Leandro Bay; and is envisioned to include a potential streetcar line that uses the elevated concourse to connect from BART to the Oakland Airport Business Park.
- **Open Space and Parks:** The Draft Plan proposes a total of 26.5 acres of open space within the Coliseum district, consisting of a proposed 2-acre "Grand Plaza" pedestrian streetscape; 10-acre pedestrian elevated concourse and linear open space; and 7- acres of open space and natural habitat improvement along Damon Slough near the Union Pacific/Amtrak railroad tracks and along 66th Avenue.

B. Selected goals for the Oakland Airport Business Park:

- **New office space:** Creation of a new Science and Technology District of regional significance that expands opportunities for companies in the tech economy to locate in Oakland, in up to 1.5 million square feet of new and renovated buildings.
- **New Arena:** The Draft Plan proposes a location for a new NBA arena for the Golden State Warriors, should the team decide to remain in Oakland and not move to San Francisco.
- **Potential New Residential district:** Development of a potential new mixed-use waterfront residential district between Edgewater Drive and the shoreline, bracketed by Damon Slough and Elmhurst Creek Slough, with up to 1,600 new residential units. This would be primarily on the location of the existing City of Oakland Corporation Yard, which is on leased land owned by the Port of Oakland.

REGULATORY AND POLICY FRAMEWORK*Land Use and Transportation Element (LUTE)*

The Oakland General Plan *Land Use and Transportation Element* (LUTE) identifies policies for utilizing Oakland's land as change takes place and sets forth an action program to implement the land use policy

through development controls and other strategies. The LUTE identifies five “Showcase Districts”, each representing a dynamic area of regional importance in the City Of Oakland targeted for continued growth. As noted previously, the Coliseum Plan Area falls within Oakland’s Coliseum Showcase District, envisioned as a regional center for entertainment and shopping.

Most of the Coliseum Plan Area currently falls within the Community Commercial, Regional Commercial and Business Mix General Plan land use designations (see map at **Attachment A**). As described in the General Plan LUTE, the Community Commercial land use designation is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts or centers. Smaller portions of the Plan Area are within the Estuary Policy Plan designations “Light Industry 3” and “Parks”.

GENERAL PLAN – Proposed Amendments

To effectively implement this Specific Plan, amendments to both the City’s current *Land Use and Transportation Element* (LUTE) Land Use Diagram, and the *Estuary Policy Plan* (EPP) are recommended. One General Plan correction is also proposed. These General Plan amendments and corrections will help to better clarify the anticipated character and scale of future development, and will enable future development that is consistent with the Draft Plan to move forward in a timely and efficient manner. **Attachment A** shows the full map of proposed General Plan Amendments. **Table 2** lists the proposed General Plan Amendments.

Sub-Area A (Site of the Current Coliseum)

For the expected development at Sub-Area A (the site of the current Coliseum), the City is proposing the following General Plan amendments and corrections to the LUTE:

- Amending the land use designation for the area along San Leandro Street, between the Coliseum BART station and the Union Pacific/Amtrak railroad tracks, from 66th to 76th Avenues, from “Regional Commercial” to “Community Commercial”. The new “Community Commercial” land use designation will allow residential and/or commercial development more similar in character to that envisioned for the remainder of the Coliseum BART station TOD area to the east;
- Correcting the land use designation for the strip of railroad right of way in front of Lion Creek Crossings apartments, along the BART tracks, between 66th and 69th Avenues, from “General Industrial” to “Community Commercial”. The purpose of this General Plan correction is to make this Union Pacific right of way area consistent with the General Plan designations for both the adjacent Lions Creek crossing development and the Coliseum BART station TOD area.
- Amending the land use designation for the two blocks on the east side of the Hegenberger overpass, at San Leandro Street, between 75th Avenue and Hawley Street. Proposed to be amended from “Business Mix” to “Community Commercial” to incentivize the private redevelopment of a two block section of 75th Avenue which forms the gateway and a street entrance into the Coliseum BART parking lots.

These General Plan amendments and corrections are consistent with the *Land Use and Transportation Element* (LUTE) of the Oakland General Plan and its vision for the Coliseum/Airport transit-oriented development (TOD). They provide for mixed-use residential and commercial development in a pedestrian-oriented setting with structured parking, and aid in the transition between the surrounding single-family home neighborhoods and the regional attractions at the Coliseum District. The LUTE also calls for this transit-oriented development area to provide additional public space, to strengthen surrounding neighborhoods and to be designed compatible with adjoining housing, all of which could and would be achieved under these amendments.

The majority of Sub-Area A (the site of the current Coliseum) is already designated “Regional Commercial”, and will not need a General Plan amendment to allow development under this Plan. Today, the Oakland Planning Code does not permit residential activities in the Regional Commercial- 1 (CR-1) zone, and creating new zoning which allows housing at the Coliseum site is proposed as part of the Specific Plan (see below).

Sub-Area B, C and D (Airport Business Park)

For the expected development within Sub-Area B, C and D, the City proposes several amendments to the General Plan Land Use Diagram (see also **Attachment A**). These amendments include:

- Amending the land use designation for the majority of Sub-Area B from “Business Mix” to “Regional Commercial”;
- Adding and adjusting the “Urban Park and Open Space” land use designation along the edges of Damon Slough, Elmhurst Creek, San Leandro Creek and the San Leandro Bay shoreline; and
- Amending the land use designations for the following list of properties, from “Business Mix” to “Regional Commercial”:
 - properties fronting along Oakport Street, between Elmhurst Creek and Hegenberger Road;
 - properties fronting along Pendleton Way (backing to the properties on the Hegenberger Road corridor);
 - and properties fronting along a portion of Pardee Drive nearest to Hegenberger Road.

The “Regional Commercial” land use designation proposed for Sub-Area B is necessary to enable development of the proposed mixed-use waterfront residential development and the development of a new Arena as envisioned under the Draft Specific Plan, neither of which are permitted under the current “Business Mix” designation. The new Regional Commercial designation would be similar to the land use designation that currently exists across I-880 at the Coliseum District, better tying these two integrated development areas together.

The other “Regional Commercial” land use amendments are consistent with the General Plan LUTE’s overall planning direction for the Airport/ Gateway Showcase, which provide for primarily airport-related support services and uses within the Airport Business Park, and visitor-serving businesses such as hotels, restaurants, and retail along the Hegenberger corridor. The additions or modifications to the “Urban Park and Open Space” land use designations clarify the expected minimum 100- foot publicly-accessible open space setback from the top-of-bank of the channels and from the high water line of the shoreline.

Sub-Area E (between Damon Slough and East Creek Slough)

Sub-Area E is the only portion of the Coliseum Area Specific Plan that is currently located within the General Plan’s *Estuary Policy Plan* (EPP) area, rather than the General Plan LUTE. In 2013, the City adopted the Central Estuary Area Plan, which now brings the objectives and policies of the older Estuary Policy Plan up to date with current planning conditions. However, Sub-Area E was not included as part of the Central Estuary Area Plan update, and therefore remains one of the few “leftover” portions of the prior EPP that has not had its zoning updated as part of a Specific or Area Plan. As a result, the City is now proposing to re-designate lands within Sub-Area E to be consistent with the intent of this Specific Plan for the Coliseum Area. These new land use designations from the LUTE include:

- Amending the older EPP land use designations for those City-owned properties at Oakport Street/66th Avenue, from “General Commercial 2” and “Light Industrial 3”, to “Urban Park and Open Space”; and
- Amending the older EPP land use designations for the two EBMUD-owned Oakport Street parcels near East Creek Slough, from “Light Industrial 3” (Oakport Wet Weather Facility lot) and “General

Commercial 2” (vacant lot on Oakport near 66th Avenue), both proposed to be amended to “Business Mix”.

Table 2 shows the proposed General Plan Amendments and one General Plan Correction which would enable the development program and build out of the Coliseum Area Specific Plan. All changes are to the LUTE, unless noted as “EPP” (Estuary Policy Plan).

Table 2 Coliseum Area Proposed General Plan Amendments	
ID	Existing General Plan Designation Proposed General Plan Changes
A	Existing GP: Business Mix Proposed GP: Community Commercial
B	Existing GP: Regional Commercial Proposed GP: Community Commercial
C	Existing GP: Business Mix Proposed GP: Regional Commercial
D	Existing GP: None Proposed GP: Urban Park and Open Space
E	Existing GP: Urban Park and Open Space Proposed GP: Regional Commercial
F	Existing GP: Business Mix Existing GP: Urban Park and Open Space
G	Existing GP: Urban Park and Open Space Proposed GP: Business Mix
H	Existing GP: Business Mix Proposed GP: Urban Park and Open Space
I	Existing GP: Business Mix Proposed GP: Regional Commercial
J	Existing GP: Urban Park and Open Space Proposed GP: Regional Commercial
K	Existing GP: Business Mix Proposed GP: Urban Park and Open Space
L	Existing GP: None Proposed GP: Urban Park and Open Space
M	Existing GP: None Proposed GP: Regional Commercial
N	Existing GP: EPP General Commercial 2 Proposed GP: Urban Park and Open Space
O	Existing GP: EPP General Commercial 2 Proposed GP: Business Mix
P	Existing GP: EPP Light Industrial 3 Proposed GP: Urban Park and Open Space
Q	Existing GP: EPP Light Industrial 3 Proposed GP: Business Mix

R	Existing GP: EPP Parks Proposed GP: Urban Park and Open Space
S	Existing GP: EPP Light Industrial 3 Proposed GP: Urban Park and Open Space
General Plan Correction	
A	Existing GP: General Industrial GP Correction: Community Commercial

OAKLAND PLANNING CODE AND ZONING MAPS

The Oakland Planning Code serves to implement General Plan policies, and is found in Title 17 of the Oakland Municipal Code. The Planning Code governs land uses and development standards, such as building height, bulk and setback, for specific zoning districts within Oakland. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the project proposed conforms to the Planning Code, or an exception is granted pursuant to provisions of the Planning Code. The Zoning Maps of the Planning Code show the locations of zones districts for all land in the City of Oakland. The Existing Zoning Map, and the Proposed Planning Code Amendments for the Plan Area are in **Attachment B** to this report.

The discussion below in this ZUC report highlights only on the proposed new zones, designated “D-CO-1” through D-CO-6” and not the ancillary changes throughout the Planning Code which must also be changed to allow for consistency with these new Coliseum area zones. What is not in the **Attachment C** to this report is the text for proposed amendments to Chapter 17.116 (Parking Regulations), and other sections of the Planning Code which are proposed to be amended. A complete proposal for amendments to the Planning Code will be a part of the February 18, 2015 Planning Commission report.

Proposed Planning Code Amendments

Several components of new development planned within the Coliseum District conflict with the City’s current Planning Code requirements and zoning map, but would be made consistent through the creation of new zoning districts and zoning changes unique to this Specific Plan. The new zoning districts (See **Attachment C**) include the following:

Coliseum District

- A new “Coliseum District-1” zone (D-CO-1) will replace the current Transit Oriented Development zone (S-15) mapped currently around the Coliseum BART station. The D-CO-1 Zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments, to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities. The new D-CO-1 zone will increase the height limit in this area to 159 feet unless FAA review and Conditional Use Permit (CUP) review permits taller building heights. The new D-CO-1 zone would apply to all properties east of the Union Pacific Railroad (UPRR) railroad tracks that are within the Coliseum Specific Plan Area.

- A new “Coliseum District-2” zone (D-CO-2) would replace the current “Regional Commercial-1” (CR-1) zone that applies to the majority of the Coliseum District. The new D-CO-2 zone will specifically permit and encourage development of regional-drawing centers of activity such as new sports and entertainment venues, residential, retail, restaurants, and other activity generating uses, as well as a broad spectrum of employment activities. The new D-CO-2 zone will clarify that any building height over 159 feet will require FAA review and Conditional Use Permit (CUP) approval.

City Zoning – Sub-Area E and Portions of Sub-Area B

Beyond Sub-Area A, there are only a limited number of sites that are currently under the City of Oakland’s land use jurisdiction and where City zoning can effectively regulate new development consistent with the Draft Specific Plan. These areas include all of Sub-Area E, and portions of Sub-Area B which have been previously removed from the Port of Oakland’s land use jurisdiction. The remainder of Sub-Area B and all of Sub-Areas C and D remain under the land use jurisdiction of the Port of Oakland and its Land Use and Development Code (LUDC). The new City zoning that would be applied to these lands includes the following:

- A new “Coliseum District-3” zone (D-CO-3) will replace the existing “Industrial/Office” (IO) zone for properties located in Subarea B between Oakport Street and Edgewater Drive. These properties in Subarea B include lands envisioned as a potential location for a proposed new sports/special events Arena. The new D-CO-3 zone would also include the existing IO-zoned properties located along Oakport Street between Elmhurst Creek and Hegeburger Road; and the Regional Commercial (CR-1)-zoned properties along the north side of Hegenberger Road down to Earhart Drive. The D-CO-3 Zone is intended to create, maintain and enhance areas suitable for a wide variety of retail, commercial, and industrial operations along the Oakport Street and Hegenberger Road corridors, and in region-drawing centers of commercial, and light industrial activities. The D-CO-3 zone would not permit residential uses.
- A new “Coliseum District-4” zone (D-CO-4) will replace the existing “Industrial/Office” (IO) zone for those properties between Edgewater Drive and the San Leandro Bay shoreline in Sub-Area B only; primarily, the City’s Corporation Yard. The D-CO-4 Zone is intended to create, maintain and enhance a mix of activities on or near the Northwest Edgewater Drive waterfront. The D-CO-4 zone would conditionally permit residential activities between Edgewater Drive and the waterfront;
- A new “Coliseum District-5” zone (D-CO-5) will replace the existing “Industrial/Office” (IO) zone for those properties along Edgewater Drive in Sub-Area C (to Pendleton Way), and the properties in the existing CIX-2 zone in Sub-Area D (Pardee Drive). The D-CO-5 Zone is intended to create, preserve, and enhance areas near Pardee Drive and within the southern portion of the Airport Business Park that are appropriate for a wide variety of office, commercial, industrial, and logistics activities. The new D-CO-5 zone will permit a similar mix of light industrial and warehousing activities as is allowed under current city zoning, and it would not permit residential activities;
- The new D-CO-6 zone would apply to those City-owned and EBMUD-owned properties along Oakport Street from East Creek Slough to 66th Avenue within Sub-Area E (these lands are not within Port jurisdiction). The D-CO-6 Zone is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher-intensity commercial and light industrial land uses and development types. The new D-CO-6 zone would replace the existing Industrial (M-40) zoning that applies. This zone would not permit residential activities.

Proposed Zoning Map Amendments

Table 3 shows the different zoning changes proposed to amend the current Zoning Maps, which would be necessary for the full development program and build out of the Coliseum Area Specific Plan.

Table 3 Coliseum Area Proposed Zoning Amendments		
ID	Existing Zoning Proposed Zoning	Acres
1	Existing Zoning: S-15 Proposed Zoning: D-CO-1	17
2	Existing Zoning: CIX-2 Proposed Zoning: D-CO-1	4
3	Existing Zoning: CR-1 Proposed Zoning: D-CO-1	34
4	Existing Zoning: CR-1 Proposed Zoning: D-CO-2	191
5	Existing Zoning: IO Proposed Zoning: D-CO-3	31
6	Existing Zoning: CR-1 Proposed Zoning: D-CO-3	50
7	Existing Zoning: CR-1 Proposed Zoning: OS	3
8	Existing Zoning: CR-1 Proposed Zoning: D-CO-3	40
9	Existing Zoning: M-40 Proposed Zoning: D-CO-5	1
10	Existing Zoning: CIX-2 Proposed Zoning: D-CO-5	84
11	Existing Zoning: CIX-2 Proposed Zoning: OS	17
12	Existing Zoning: M-40 Proposed Zoning: D-CO-5	8
13	Existing Zoning: IO Proposed Zoning: D-CO-5	105
14	Existing Zoning: M-40 Proposed Zoning: OS ()	128
15	Existing Zoning: M-40 Proposed Zoning: OS	18
16	Existing Zoning: IO Proposed Zoning: OS	4
17	Existing Zoning: IO Proposed Zoning: D-CO-4	22
18	Existing Zoning: IO Proposed Zoning: D-CO-3	82
19	Existing Zoning: M-40 Proposed Zoning: D-CO-4	7

ID	Existing Zoning Proposed Zoning	Acres
20	Existing Zoning: M-40 Proposed Zoning: OS	1
21	Existing Zoning: M-40 Proposed Zoning: D-CO-3	2
22	Existing Zoning: IO Proposed Zoning: D-CO-3	6
23	Existing Zoning: IO Proposed Zoning: OS	2
24	Existing Zoning: CIX-2 Proposed Zoning: OS	7
25	Existing Zoning: M-40 Proposed Zoning: OS	47
26	Existing Zoning: M-40 Proposed Zoning: D-CO-6	41
27	Existing Zoning: M-40 Proposed Zoning: OS	15
28	Existing Zoning: CIX-2 Proposed Zoning: D-CO-3	1
29	Existing Zoning: CIX-2 Proposed Zoning: CIX-1	11
30	Existing Zoning: S-15 Proposed Zoning: D-CO-1	2

KEY ISSUES

Land Use Jurisdiction in the Oakland Airport Business Park

The City of Oakland currently has land use jurisdiction over only a small portion of the Oakland Airport Business Park, and none of the western portion of Hegenberger Road. These Plan Areas are instead under the land use jurisdiction of the Port of Oakland. New development in these areas must adhere to the development regulations in the Port of Oakland’s Land Use and Development Code (LUDC), instead of the City of Oakland’s Planning Code, and receive development permit approval from Port staff. The area within the Port’s regulatory jurisdiction consists of most of the Draft Plan’s Sub-Area B and all of Sub-Areas C and D (see **Attachment D**).

It is important to note that the proposed new Coliseum zones (“D-CO-1” through “D-CO-6”) will not govern land uses or design standards in the areas of the Port of Oakland’s land use authority (such as the Oakland Airport Business Park). Therefore, unless the Port decides to either cede land use authority to the City, or amend its own Land Use and Development Code to match the vision and intent of the Coliseum Area Specific Plan, it is unlikely there would be any significant land use changes in the Airport Business Park as a result of the Specific Plan.

Potential New Residential uses

New development pursuant to Plan Buildout within the Oakland Airport Business Park includes a potential mixed-use waterfront residential development with a retail component, proposed to be located between

Edgewater Drive and the San Leandro Bay shoreline, in the area bounded by Damon Slough and Elmhurst Creek. Under the Port of Oakland's LUDC, residential uses are not currently permitted on any properties within the Oakland Airport Business Park (Sub-Area B), and retail use is only permitted within the Commercial Corridor area along Hegenberger Road and on certain parcels adjacent to Oakport Street. The introduction of new residential and mixed-use development within the boundaries of the Business Park would therefore be in conflict with the Port's current land use regulations as specified in the LUDC. These proposed new uses along the San Leandro Bay waterfront would also require the relocation of the City's Corporation Yard elsewhere in Oakland.

In the Draft EIR, there is a discussion of this potential conflict:

The Specific Plan notes that implementation of the proposed Project will require the Port to consider this EIR as a responsible agency, and potentially to co-adopt the Specific Plan or to cede land use jurisdiction over certain properties to the City of Oakland, or adopt amendments to the LUDC to allow the development program proposed by the Plan.

Recommendation/Project Requirement Land-6⁵: In order to enable implementation of the Project as proposed, the Port Board of Commissioners must either:

- a) Adopt the Specific Plan as its new land use plan for the Business Park, or
- b) Elect to cede land use authority over the ultimate new Arena site and the waterfront residential site to the City of Oakland, or
- c) Choose to instead amend its own LUDC to allow the new Arena and waterfront residential /retail mixed use as permitted or conditionally permitted uses within the Business Park.

A City/Port working group has been formed to discuss these three options, and its members have generally agreed that option C above -- amendments to the LUDC -- is the most likely implementation scenario, should the City of Oakland adopt the Coliseum Area Specific Plan and certify the EIR. If the Port Board were to decide on any of the three actions described in the DEIR, the conflict with plans and policies of the Port's LUDC would no longer apply. However, unlike the recommended changes to applicable City of Oakland's policies and regulations, the City does not have jurisdictional authority to change or modify the Port's LUDC, and cannot ensure implementation of this requirement.

If, on the other hand, the Port Board decides not to take any of the actions identified in Recommendation/Project Requirement Land-6, then the proposed new Arena and the proposed new waterfront residential mixed-use development would directly conflict with the LUDC, and those elements of the Project could not move forward.

Other proposed development within Sub-Areas B, C and D includes Science and Technology offices, light industrial, logistics and warehouse uses – all of which are permitted uses in this area pursuant to the Port's LUDC.

⁵ Coliseum Area Specific Plan DEIR, Chapter 4.9, page 54.

ENVIRONMENTAL DETERMINATION

The City of Oakland is the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and has prepared an Environmental Impact Report (EIR) for the Coliseum Area Specific Plan (Project). No Initial Study was prepared for the Project, pursuant to Section 15060(d) of the CEQA Guidelines. The Draft EIR analyzes all environmental topics identified in the City of Oakland CEQA Thresholds of Significance at a level of detail warranted by each topic.

On April 19, 2013, the City of Oakland issued a Notice of Preparation (NOP), to inform agencies and interested parties of its intent to prepare and distribute a "Draft EIR for the Coliseum Area Specific Plan." The Landmarks Preservation Advisory Board and the City of Oakland Planning Commission held Scoping Meetings on May 13 and May 1, 2013, respectively, to accept comments regarding the scope of the EIR in response to the NOP. On August 22, 2014, the City issued the Draft EIR; the comment period ended October 6, 2014. A Final EIR is expected to be released by the City on February 6, 2015, and discussed at a public hearing of the Planning Commission on February 18, 2015.

CONCLUSION AND NEXT STEPS

The Zoning Update Committee of the Oakland Planning Commission is being asked to hear from the public, and to provide feedback to Strategic Planning staff on the proposed General Plan Amendments, and Planning Code amendments (text and map changes).

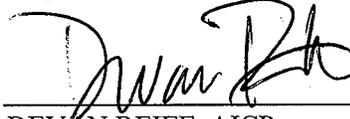
The tentative schedule for future public meetings and hearings that will be held on the final Plan, EIR and Zoning include:

- February 4, 2015: Oakland Planning Commission meeting #1 to consider the Draft Plan, General Plan Amendments and Planning Code changes (text and maps);
- February 9, 2015: Oakland Landmarks Preservation Advisory Board;
- February 18, 2015: Oakland Planning Commission hearing #2, to consider certifying the Final EIR and recommending the City Council adopt the final Coliseum Area Specific Plan;
- March 10, 2015: City Council Community and Economic Development Committee (tentative)
- March 11, 2015: Oakland Parks and Recreation Advisory Commission;
- March 17, 2015: Oakland City Council hearing #1 (tentative)
- March 19, 2015: Alameda County Airport Land Use Commission (tentative);
- March 31, 2015: Oakland City Council hearing #2 (tentative).

RECOMMENDATIONS:

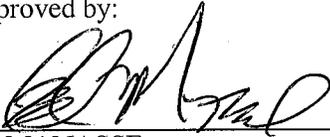
1. Take public testimony on Coliseum Area Specific Plan proposed General Plan Amendments, Planning Code Amendments and Zoning Map changes, and provide Planning Commission comments on these proposals.

Prepared by:



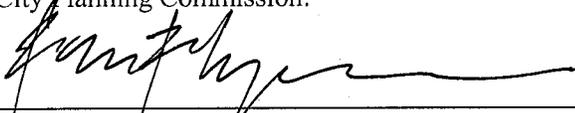
DEVAN REIFF, AICP
Planner III

Approved by:



ED MANASSE
Strategic Planning Manager

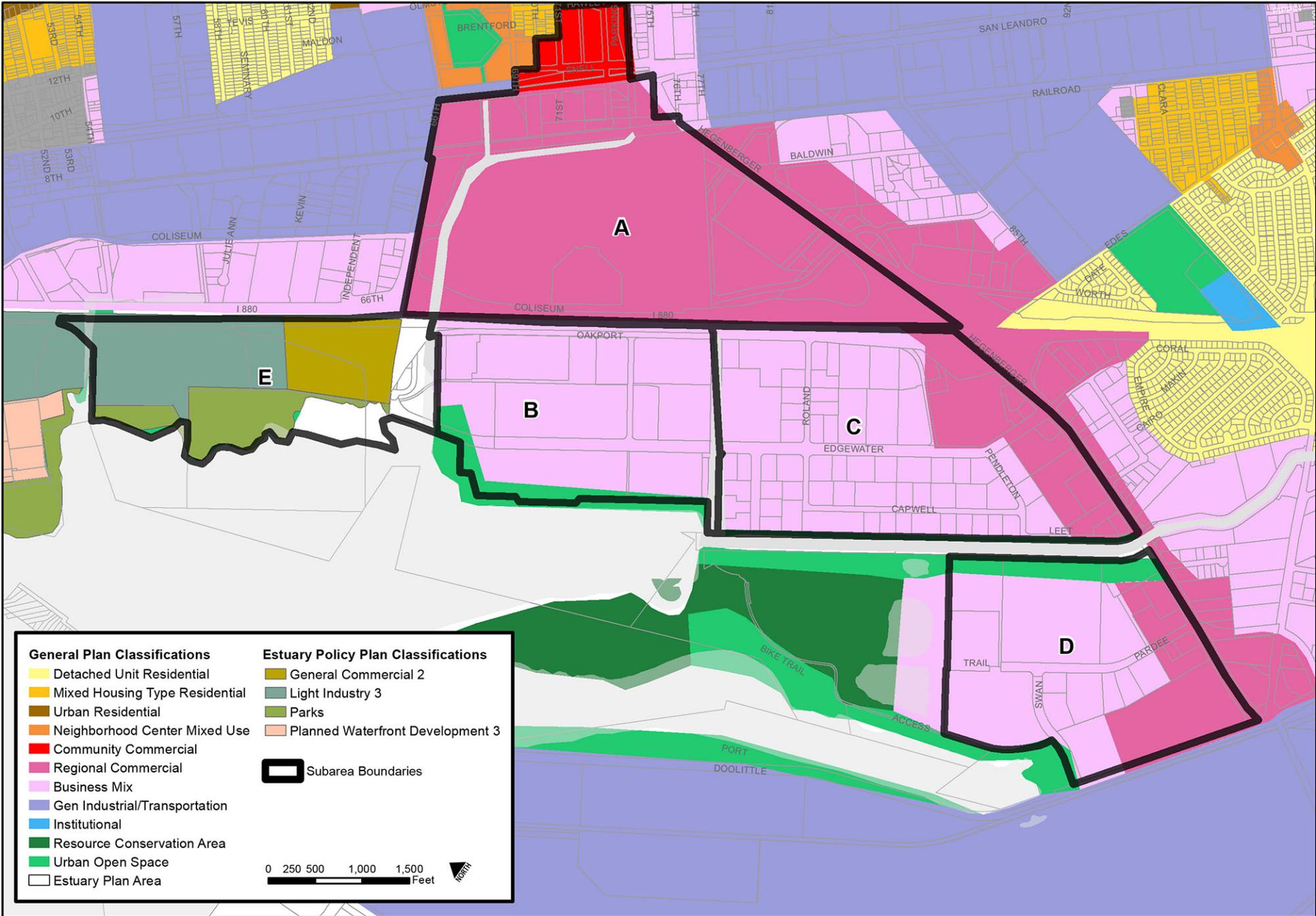
Approved for forwarding to the
City Planning Commission:



RACHEL FLYNN, Director
Department of Planning and Building

ATTACHMENTS:

- A. General Plan proposed Text and Map Amendments
- B. Map of existing Zoning, and a revised Zoning Map Amendments
- C. Draft Proposed Planning Code amendment language (new section "Chapter 17.101H - D-CO Coliseum Area District Zones Regulations")
- D. Map of Coliseum Plan Sub-Areas



COLISEUM AREA SPECIFIC PLAN

General Plan and Estuary Policy Plan

ATTACHMENT A. 1.21.15 ZUC MEETING

GENERAL PLAN AMENDMENTS

Implementation of the Coliseum Area Specific Plan (Plan) will require amendments to the *Land Use and Transportation Element* and the *Estuary Policy Plan* of the Oakland General Plan and to the City of Oakland Planning Code (“Planning Code”) to ensure that broad City policy and specific development standards are tailored to be consistent with this Plan. These amendments will be adopted concurrently with the Plan. Upon adoption, the objectives and policies contained in this Plan will supersede goals and policies in the General Plan with respect to the Plan Area. In situations where policies or standards relating to a particular subject are not provided in the Plan, the existing policies and standards of the City’s General Plan and Planning Code will continue to apply. When future development proposals are brought before the City, staff and decision-makers will use the Coliseum Area Specific Plan as guide for project review. Projects will be evaluated for consistency with the intent of Plan policies and for conformance with development regulations and design guidelines.

I. TEXT AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)

The following are proposed text changes to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined; deletions are in ~~strikeout~~.

Oakland General Plan, Land Use & Transportation Element (LUTE)

Chapter 3: Policies in Action

The Land Use Diagram

Land Use Classifications

Community Commercial

Intent: The Community Commercial Classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts or centers.

Desired Character and Uses: Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development.

Intensity/Density: Except as indicated below, the maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.
- Within the Lake Merritt Station Area Plan area, the maximum FAR for this classification is 12.0. Maximum residential density is 250 units per gross acre.

- Within the Coliseum Area Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies. Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, and I/C 3, I/C 5. Transportation Objective T2.

Industry, Commerce & Institutional Classifications

Regional Commercial

Intent: The Regional Commercial classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity.

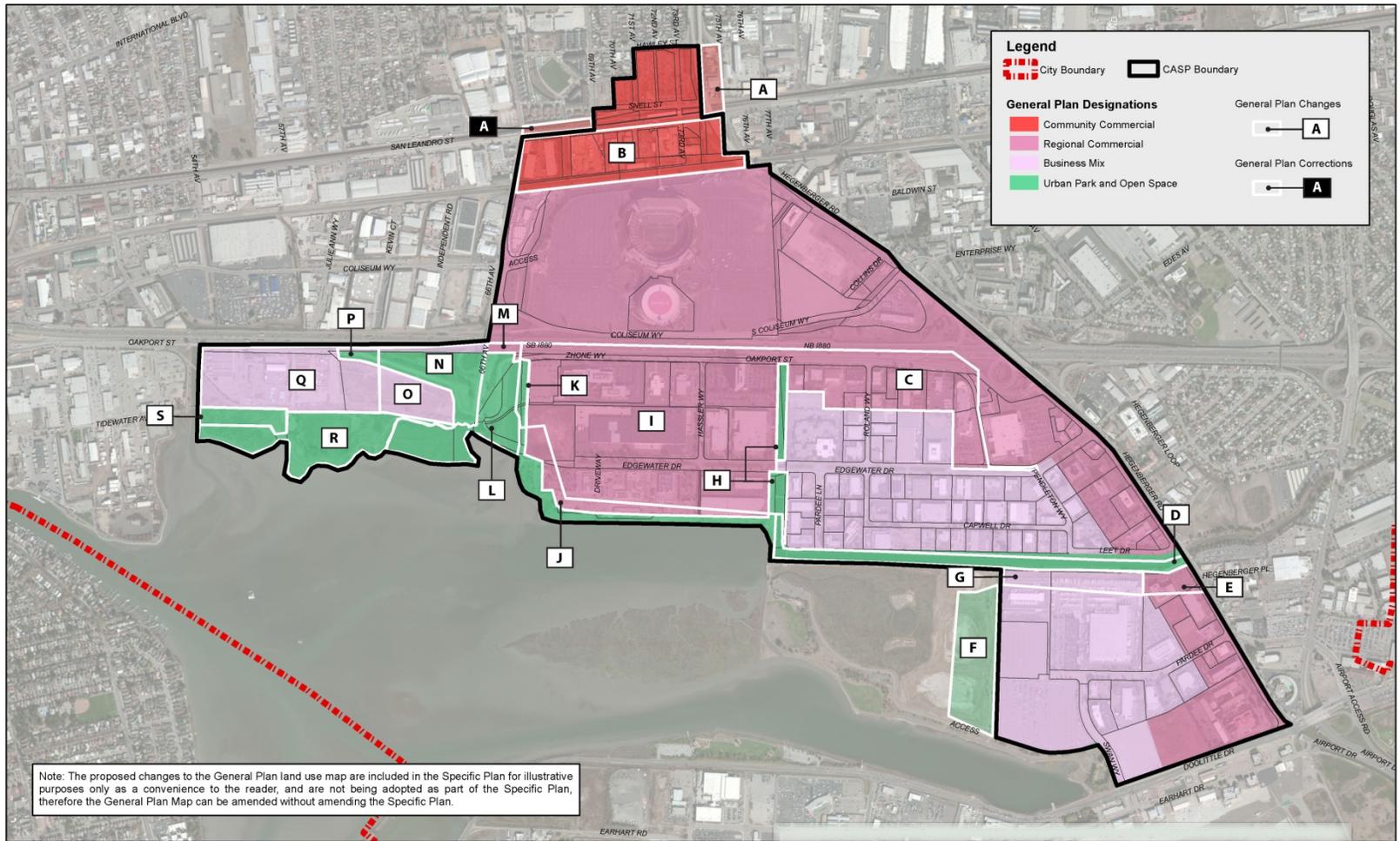
Desired Character and Uses; A mix of commercial, office, entertainment, arts, recreation, sports, and visitor-serving activities, residential mixed use development and other uses of similar character or supportive of regional drawing power.

Intensity/Density: The maximum FAR for this classification is 4.0. Maximum residential density is 125 units per gross acre, in a mixed use project.

- Within the Coliseum Area Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, I/C 32. Neighborhood Objective N1.

II. MAP AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)



COLISEUM AREA SPECIFIC PLAN
Figure 4.9-6: Proposed General Plan Amendments

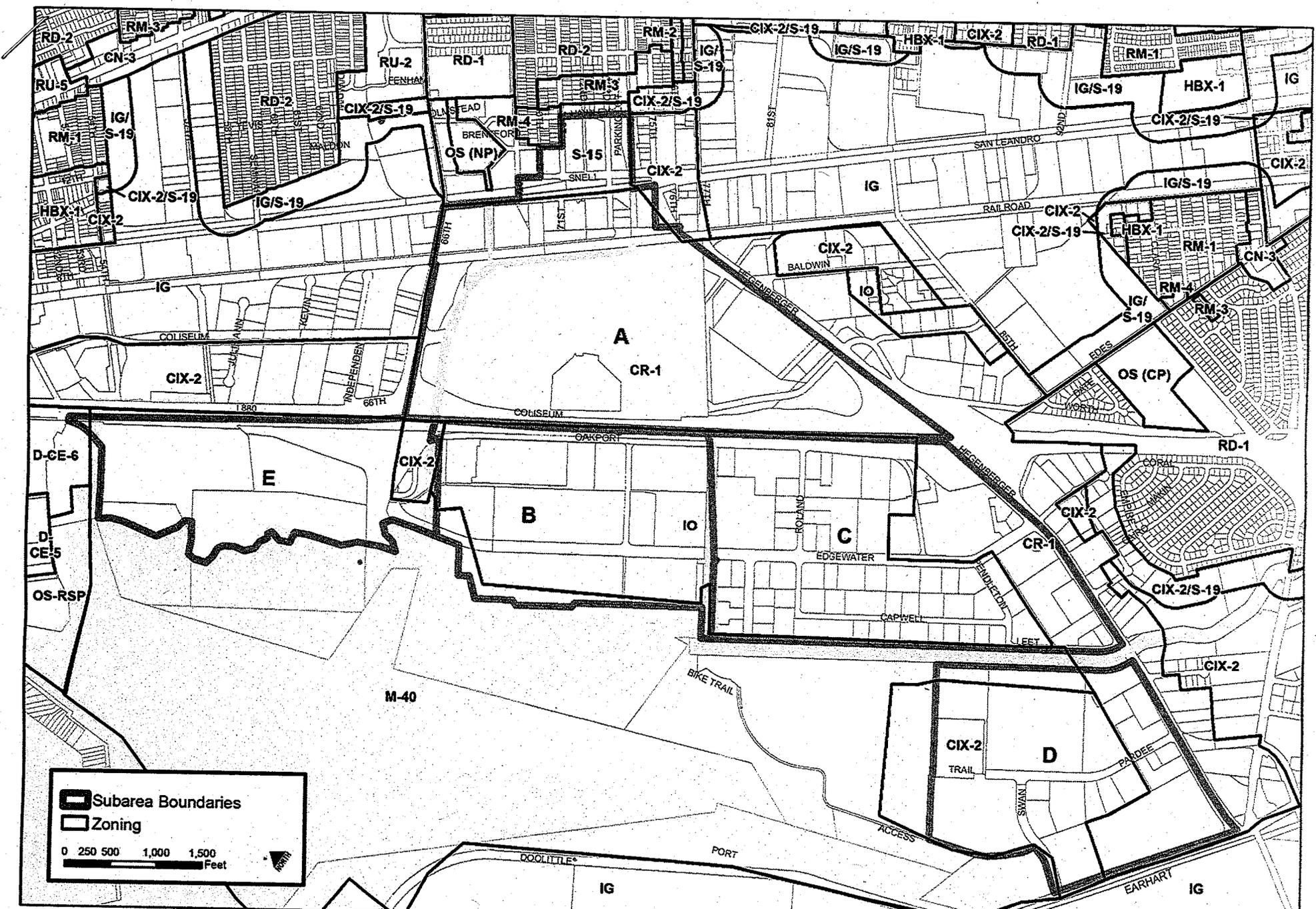


Planning and Building Department
December 2014

Table 2 Coliseum Area Proposed General Plan Amendments	
ID	Existing General Plan Designation Proposed General Plan Changes
A	Existing GP: Business Mix Proposed GP: Community Commercial
B	Existing GP: Regional Commercial Proposed GP: Community Commercial
C	Existing GP: Business Mix Proposed GP: Regional Commercial
D	Existing GP: None Proposed GP: Urban Park and Open Space
E	Existing GP: Urban Park and Open Space Proposed GP: Regional Commercial
F	Existing GP: Business Mix Existing GP: Urban Park and Open Space
G	Existing GP: Urban Park and Open Space Proposed GP: Business Mix
H	Existing GP: Business Mix Proposed GP: Urban Park and Open Space
I	Existing GP: Business Mix Proposed GP: Regional Commercial
J	Existing GP: Urban Park and Open Space Proposed GP: Regional Commercial

Attachment A. Coliseum Area Specific Plan – January 21, 2015 Proposed General Plan Amendments

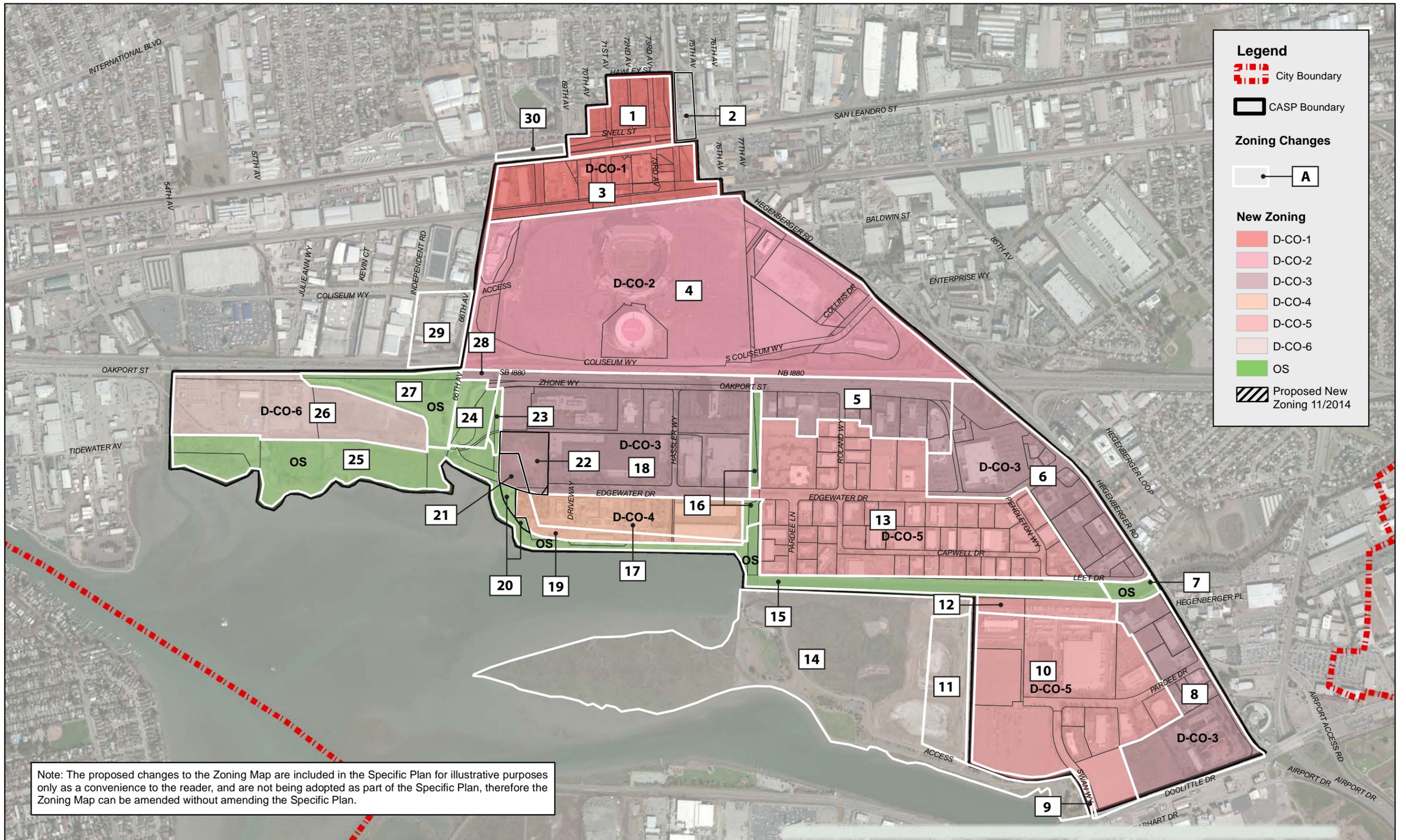
K	Existing GP: Business Mix Proposed GP: Urban Park and Open Space
L	Existing GP: None Proposed GP: Urban Park and Open Space
M	Existing GP: None Proposed GP: Regional Commercial
N	Existing GP: EPP General Commercial 2 Proposed GP: Urban Park and Open Space
O	Existing GP: EPP General Commercial 2 Proposed GP: Business Mix
P	Existing GP: EPP Light Industrial 3 Proposed GP: Urban Park and Open Space
Q	Existing GP: EPP Light Industrial 3 Proposed GP: Business Mix
R	Existing GP: EPP Parks Proposed GP: Urban Park and Open Space
S	Existing GP: EPP Light Industrial 3 Proposed GP: Urban Park and Open Space
	General Plan Correction
A	Existing GP: General Industrial GP Correction: Community Commercial



COLISEUM AREA SPECIFIC PLAN
Zoning

Created by: City of Oakland, Department of Planning and Building
 October 2013

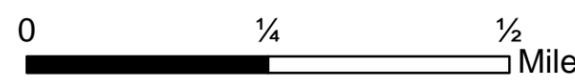
ATTACHMENT B



Note: The proposed changes to the Zoning Map are included in the Specific Plan for illustrative purposes only as a convenience to the reader, and are not being adopted as part of the Specific Plan, therefore the Zoning Map can be amended without amending the Specific Plan.



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



Title 17 PLANNING

Chapters:

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

Chapter 17.103 - SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Chapter 17.104 - GENERAL LIMITATIONS ON SIGNS

Chapter 17.108 - GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Chapter 17.110 - BUFFERING REGULATIONS

Chapter 17.116 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Chapter 17.120 - PERFORMANCE STANDARDS

Chapter 17.128 - TELECOMMUNICATIONS REGULATIONS

Chapter 17.134 - CONDITIONAL USE PERMIT PROCEDURE

Chapter 17.135 - SPECIAL USE PERMIT REVIEW PROCEDURE FOR THE OS ZONE

Chapter 17.136 - DESIGN REVIEW PROCEDURE

Chapter 17.138 - DEVELOPMENT AGREEMENT PROCEDURE

Chapter 17.140 - PLANNED UNIT DEVELOPMENT PROCEDURE

Chapter 17.142 - MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

Sections:

17.101H.010 Title, intent, and description.

17.101H.020 Required design review.

17.101H.030 Permitted and conditionally permitted activities.

17.101H.040 Permitted and conditionally permitted facilities.

17.101H.050 Property development standards.

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

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

17.101H.080 Special regulations for large scale developments.

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

17.101H.100 Other zoning provisions.

17.101H.010 Title, intent, and description.

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

1. Implement the Coliseum Area Specific Plan (CASP) in the Coliseum Area District;
2. Support retention of Oakland's professional sports teams, and the economic benefit of the sports teams and their facilities for the City of Oakland and Alameda County;
- 3a. Allow for the construction of a significant amount of new residential units at the Coliseum BART parking lots, at the current Coliseum complex parking lots, and at the San Leandro Bay waterfront;
3. Encourage the creation of a regionally significant jobs and employment center in the Coliseum Area District that builds on the area's prime transit-oriented and airport-adjacent location;
4. Establish development standards that allow a broad mix of uses to compatibly co-exist;
5. Provide convenient access to public open space and the waterfront;
6. Improve access to the Coliseum area's creeks, channels, and bay frontage, and provide recreational opportunities along these waterways;
7. Encourage quality and variety in building and landscape design, as well as compatibility in use and form; and
8. Encourage development that is respectful of the environmental qualities that the Coliseum area has to offer.

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

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

17.101H.020 Required design review.

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. Properties located within the Land Use Jurisdiction of the Port of Oakland, as amended, are subject to the Port's Land Use and Development Code, which supersedes the Oakland Planning Code in areas of the Port's jurisdiction,

- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the Coliseum Area Specific Plan is required for any proposal in the D-CO zones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the Coliseum Area Specific Plan, the design objectives in the Coliseum Area Specific Plan shall prevail.

17.101H.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101H.01: Permitted and Conditionally Permitted Activities

Activities	Zones						Additional Regulations
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Residential Activities</u>							
<u>Permanent</u>	P(L1)	P(L1)	—	C(L1)(L4)	—	—	
<u>Residential Care</u>	C(L1)	C(L1)	—	C(L1)	—	—	<u>17.103.010</u>
<u>Service-Enriched Permanent Housing</u>	C(L1)	C(L1)	—	C(L1)	—	—	<u>17.103.010</u>
<u>Transitional Housing</u>	C(L1)	C(L1)	—	C(L1)	—	—	<u>17.103.010</u>
<u>Emergency Shelter</u>	—	—	—	—	—	—	<u>17.103.010</u>
<u>Semi-Transient</u>	C	C	—	—	—	—	<u>17.103.010</u>

ATTACHMENT C. Coliseum Specific Plan. 1.21.15 ZUC Meeting. OAKLAND PLANNING CODE AMENDMENTS

<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Bed and Breakfast</u>	=	=	=	=	=	=	<u>17.10.125</u>
<u>Civic Activities</u>							
<u>Essential Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Limited Child-Care Activities</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	=	=	
<u>Community Assembly</u>	<u>P(L2)</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>C</u>	<u>C</u>	
<u>Recreational Assembly</u>	<u>P(L2)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Community Education</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	=	<u>C</u>	
<u>Nonassembly Cultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Administrative</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Health Care</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	
<u>Special Health Care</u>	=	=	=	=	=	=	
<u>Utility and Vehicular</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Extensive Impact (Stadiums and Sports Arenas)</u>	<u>C</u>	<u>C</u>	<u>C(L5)</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Commercial Activities</u>							
<u>General Food Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	
<u>Full Service Restaurants</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	

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

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<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Check Cashier and Check Cashing</u>	=	=	=	=	=	=	<u>17.103.040</u>
<u>Consumer Cleaning and Repair Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	
<u>Consumer Dry Cleaning Plant</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	
<u>Group Assembly</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>P(L6)(L14)</u>	<u>P(L3)(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	
<u>Personal Instruction and Improvement Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Administrative</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Business, Communication, and Media Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Broadcasting and Recording Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Research Service</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	
<u>General Wholesale Sales</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	

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<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Transient Habitation (Hotels)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>C</u>	<u>17.103.050</u>
<u>Building Material Sales</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>C</u>	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	<u>=</u>	<u>=</u>	<u>C(L11)</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	<u>=</u>	<u>=</u>	<u>C(L11)</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Taxi and Light Fleet-Based Services</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Automotive Fee Parking</u>	<u>C</u>	<u>C</u>	<u>C(L11)(L15)</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Animal Boarding</u>	<u>=</u>	<u>=</u>	<u>C(L11)(L13)</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Animal Care</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	

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<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Undertaking Service</u>	=	=	=	=	=	=	
<u>Industrial Activities</u>							
<u>Custom Manufacturing</u>	<u>P(L3)</u>	<u>P</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P</u>	<u>P</u>	<u>17.120</u>
<u>Light Manufacturing</u>	<u>C</u>	<u>C</u>	<u>P(L3)(L9)</u>	<u>P(L3)(L9)</u>	<u>P</u>	<u>P</u>	<u>17.120</u>
<u>General Manufacturing</u>	=	=	<u>C(L11)(L13)</u>	=	=	=	
<u>Heavy/High Impact</u>	=	=	=	=	=	=	
<u>Research and Development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Construction Operations</u>	=	=	=	=	=	=	
<u>Warehousing, Storage, and Distribution-Related:</u>							
<u>A. General Warehousing, Storage and Distribution</u>	=	=	<u>P(L2)(L9)</u>	<u>C</u>	<u>P(L9)</u>	<u>P(L9)</u>	
<u>B. General Outdoor Storage</u>	=	=	=	=	<u>C(L11)(L13)</u>	<u>C(L13)</u>	
<u>C. Self- or Mini Storage</u>	=	=	=	=	<u>C(L11)</u>	=	

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<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>D. Container Storage</u>	=	=	=	=	=	=	
<u>E. Salvage/Junk Yards</u>	=	=	=	=	=	=	
<u>Regional Freight Transportation-Related:</u>							
<u>A. Seaport</u>	=	=	=	=	=	=	
<u>B. Rail Yard</u>	=	=	=	=	=	=	
<u>Trucking and Truck-Related:</u>							
<u>A. Freight/Truck Terminal</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>B. Truck Yard</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>C. Truck Weigh Stations</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>D. Truck & Other Heavy Vehicle Sales, Rental & Leasing</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>E. Truck & Other Heavy Vehicle Service, Repair, and Refueling</u>	=	=	=	=	<u>C(L7)</u>	=	

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<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Recycling and Waste-Related:</u>							
<u>A. Satellite Recycling Collection Centers</u>	=	=	<u>C(L9)</u>	=	<u>C(L9)</u>	<u>C(L9)</u>	<u>17.10.040</u>
<u>B. Primary Recycling Collection Centers</u>	=	=	=	=	=	=	<u>17.73.035</u>
<u>Hazardous Materials Production, Storage, and Waste Management-Related:</u>							
<u>A. Small Scale Transfer and Storage</u>	=	=	=	=	=	=	
<u>B. Industrial Transfer/Storage</u>	=	=	=	=	=	=	
<u>C. Residuals Repositories</u>	=	=	=	=	=	=	
<u>D. Oil and Gas Storage</u>	=	=	=	=	=	=	
<u>Agriculture and Extractive Activities</u>							
<u>Limited Agriculture</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	
<u>Extensive Agriculture</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	
<u>Plant Nursery</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C(L12)</u>	<u>C(L12)</u>	

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

Limitations on Table 17.101H.01:

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

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

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

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

- 1.** That there will be no health risk to new residents from neighboring business operations;
- 2.** That new development will meet residential environmental safety standards;

3. That the design of future development demonstrates adaptation to rising sea-levels and the potential for inundation by the Bay and other flood waters;
4. That avigation easements for the Oakland International Airport will be negotiated with future owners or tenants, and deed disclosures about proximity to Airport operations will be made;
5. That the cumulative effects of locating the project within the proposed area have been analyzed and, where applicable, measures that minimize adverse impacts to the surrounding community have been incorporated into the project.
- L5. In the D-CO-3 Zone, stadiums and sports arenas are only allowed in the area between Damon Slough and Elmhurst Creek.
- L6. Permitted outright if located in the D-CO-3 Zone between Damon Slough and Elmhurst Creek; conditionally permitted if located elsewhere in the D-CO-3 Zone (see Chapter 17.134 for the CUP procedure).
- L7. In the D-CO-5 Zone, these activities are only allowed in the area between San Leandro Creek and Doolittle Drive.
- L8. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to Laundromats.
- L9. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L10. Permitted outright if located within one thousand (1,000) feet of Highway 880 or Hegenberger Road; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure).
- L11. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way.
- L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.
- L13. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Oakport Street right-of-way. A Conditional Use Permit is required if located within three hundred (300) feet of: a) the Estuary or Bay shoreline; b) the Damon Slough, Elmhurst Creek, or San Leandro Creek top of bank; or c) any Open Space zone (see Chapter 17.134 for the CUP procedure). All outdoor storage shall be screened by a solid wall of at least eight (8) feet in height, with buffer planting installed along the exterior wall perimeter.
- L14. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.
- L15. Existing fee parking lots within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way may be reconfigured to increase the number of parking spaces

and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.

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

L17. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic. 17.101H.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.101H.02: Permitted and Conditionally Permitted Facilities

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

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

Limitations on Table 17.101H.02:

L1. Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than three hundred (300) feet of a lot line adjacent to the Hegenberger Road or Oakport Street right-of-way, or five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L3. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones.

17.101H.050 Property development standards.

Zone Specific Standards. Table 17.101H.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to that zone.

Table 17.101H.03 Property Development Standards

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

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<u>Development Standards</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Height Regulations</u>							
<u>Maximum height allowed by right</u>	<u>159 ft.</u>	<u>159 ft.</u>	<u>159 ft.</u>	<u>159 ft.</u>	<u>159 ft.</u>	<u>85 ft.</u>	<u>4, 5</u> <u>Additional height may be allowed by the Planning Director, pursuant to FAA review and CUP approval</u>
<u>Fence heights & other regulations</u>	<u>See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls.</u>						
<u>Maximum fence height adjacent to Open Space zones</u>	<u>8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u>	
<u>Maximum Residential Density (square feet of lot area required per dwelling unit)</u>							
<u>Regular Units</u>	<u>130</u>	<u>130</u>	<u>N/A</u>	<u>260</u>	<u>N/A</u>	<u>N/A</u>	
<u>Rooming Units</u>	<u>65</u>	<u>65</u>	<u>N/A</u>	<u>130</u>	<u>N/A</u>	<u>N/A</u>	

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<u>Development Standards</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Maximum Non-Residential Density</u>							
<u>Maximum Nonresidential FAR</u>	<u>8.0</u>	<u>8.0</u>	<u>6.0</u>	<u>5.0</u>	<u>4.0</u>	<u>4.0</u>	
<u>Minimum Usable Open Space</u>							
<u>Usable Open Space per Regular Dwelling Unit</u>	<u>75 sf.</u>	<u>75 sf.</u>	<u>N/A</u>	<u>100 sf.</u>	<u>N/A</u>	<u>N/A</u>	
<u>Usable open space per Rooming Unit</u>	<u>38 sf.</u>	<u>38 sf.</u>	<u>N/A</u>	<u>50 sf.</u>	<u>N/A</u>	<u>N/A</u>	
<u>Minimum Parking and Loading Requirements</u>	See Chapter 17.116 for loading and automobile parking; and Chapter 17.117 for bicycle parking						
<u>Minimum Required Parking</u>	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking						
<u>Courtyard Regulations</u>	See Sec. <u>17.108.1</u> <u>20</u>	See Sec. <u>17.108.12</u> <u>0</u>	<u>N/A</u>	See Sec. <u>17.108.12</u> <u>0</u>	<u>N/A</u>	<u>N/A</u>	

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Development Standards	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Landscaping Regulations							
Site landscaping (% of entire lot area)	See Chs.17.110 and 17.124	See Chs.17.110 and 17.124	5%	See Chs.17.110 and 17.124	5%	5%	6, 7, 8
Parking lot landscaping (% of parking lot area)	See Chs.17.110 and 17.124	See Chs.17.110 and 17.124	10%	See Chs.17.110 and 17.124	10%	10%	6, 7

Additional Regulations for Table 17.101H.03:

- 1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.**
- 2. In the D-CO-3 Zone, a minimum front yard setback area of ten (10) feet shall apply to frontages adjacent to the Hegenberger Road and Oakport Street right-of-way, except for retail and similar facilities oriented toward pedestrian activity. This minimum front yard in the D-CO-3 Zone, where applicable, shall be developed as open landscaped areas, including but not limited to lawn, ground cover, shrubs, trees, and decorative paving materials, subject to the standards for required landscaping and screening in Chapter 17.124. In the D-CO-1, D-CO-2, and D-CO-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.**
- 3. In the D-CO-1, D-CO-2, and D-CO-4 Zones, wherever a rear lot line abuts an alley, one-half (½) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.**
- 4. The height of all structures shall be subject to Federal Aviation Administration (FAA) regulations.**
- 5. The maximum by-right height of 159 feet may only be exceeded in the following situation: a) the proposed structure has undergone a Federal Aviation Administration (FAA) Review, and the additional height has received approval pursuant to the City's conditional use permit procedure (see Chapter 17.134).**

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

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

8. For all projects involving the construction of a new Nonresidential Facility, or the addition to an existing Nonresidential Facility of over one thousand (1,000) square feet, street trees are required (see Chapter 17.124 and Section 17.124.025 for other Landscaping and Screening Standards). In addition to the general landscaping requirements set forth above, a minimum of one (1) 15-gallon tree, or substantially equivalent landscaping consistent with City policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division. 17.101H.060 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one (1) acre or more land area.

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one (1) acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.101H.070 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a planned unit development permit pursuant to Chapters 17.140 and 17.142, and shall be subject to the following special regulations:

- A. Intermodal Activities and Pedestrian Plaza. Developments should incorporate multiple forms of public transportation and a pedestrian plaza.
- B. Professional Design. The application shall utilize the following professionals in the design process for the development:
 - 1. An architect licensed by the state of California; and

2. A landscape architect licensed by the state of California, or an urban planner holding or capable of holding membership in the American Institute of Certified Planners.

C. Undergrounding of Utilities. All electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer as required by the City. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.

D. Performance Bonds. The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any said development, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.101H.060. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty percent (150%) of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. This requirement shall not apply if evidence is provided to the city which indicates that alternative bonding or other assurances have been secured by the Bay Area Rapid Transit District.

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

In the D-CO-1 Zone, a conditional use permit for any activity or facility listed in Sections 17.101H.030, 17.101H.040, and 17.101H.060, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;

B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;

C. That the proposal is designed to provide a safe and pleasant pedestrian environment;

D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:

1. That vehicular access cannot reasonably be provided from a different street or other way;

2. That every reasonable effort has been made to share means of vehicular access with abutting properties;

3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B.

E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.

F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:

1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;
2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;
3. The new parking structure shall represent no more than a seventy-five percent (75%) increase of existing parking at the site;
4. Auto fee parking at the site shall be specifically designated by a city sponsored plan or study designed to promote a transit oriented district as defined by the general plan;
5. The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal Street(s) by the residential and/or commercial facility or facilities; and
6. The project shall be consistent in all significant respects with the general plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this subsection 17.101H.100(F) "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the general plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three (3) or more streets, at least two (2) streets shall be designated as principal streets.

17.101H.080 Special regulations for large scale developments.

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, or upon the granting of a planned unit development approval pursuant to Chapters 17.140 and 17.142.

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

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

17.101H.100 Other zoning provisions.

The following contains referrals to other regulations that may apply:

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- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the D-CO Zones.
- B. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-CO Zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the D-CO Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.
- G. Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts in Chapter 17.120 shall apply in the D-CO Zones.

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Title 17 PLANNING

Chapters:

Chapter 17.73 - CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

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

Chapter 17.103 - SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Chapter 17.104 - GENERAL LIMITATIONS ON SIGNS

Chapter 17.108 - GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Chapter 17.110 - BUFFERING REGULATIONS

Chapter 17.116 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Chapter 17.120 - PERFORMANCE STANDARDS

Chapter 17.128 - TELECOMMUNICATIONS REGULATIONS

Chapter 17.134 - CONDITIONAL USE PERMIT PROCEDURE

Chapter 17.135 - SPECIAL USE PERMIT REVIEW PROCEDURE FOR THE OS ZONE

Chapter 17.136 - DESIGN REVIEW PROCEDURE

Chapter 17.142 - MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

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Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.015 Required design review process.

17.73.015 Required design review process.

- A. In the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones: Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- B. In the CIX-1, CIX-2, IG, and IO Zones: Except for projects that are exempt from design review as set forth in Section 17.136.025, no Residential Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- CB. No facility located within one hundred fifty (150) feet of any Residential zone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136.
 1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
 2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
 3. Freight/Truck Terminal.
 4. Truck Yard.
 5. Truck Weigh Stations.
 6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
 7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.
- DC. Establishment of a work/live unit shall only be permitted upon determination that the proposal conforms to the regular design review criteria set forth in the Regular Design Review procedure in Chapter 17.136 and to all of the additional criteria set forth in Subsection 17.73.040.D.

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Chapter 17.101H D-CO COLISEUM AREA DISTRICT ZONES REGULATIONS

Sections:

17.101H.010 Title, intent, and description.

17.101H.020 Required design review.

17.101H.030 Permitted and conditionally permitted activities.

17.101H.040 Permitted and conditionally permitted facilities.

17.101H.050 Property development standards.

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

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

17.101H.080 Special regulations for large scale developments.

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

17.101H.100 Other zoning provisions.

17.101H.010 Title, intent, and description.

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

1. Implement the Coliseum Area Specific Plan (CASP) in the Coliseum Area District;
2. Support retention of Oakland's professional sports teams, and the economic benefit of the sports teams and their facilities for the City of Oakland and Alameda County;
- 3a. Allow for the construction of a significant amount of new residential units at the Coliseum BART parking lots, at the current Coliseum complex parking lots, and at the San Leandro Bay waterfront;
3. Encourage the creation of a regionally significant jobs and employment center in the Coliseum Area District that builds on the area's prime transit-oriented and airport-adjacent location;
4. Establish development standards that allow a broad mix of uses to compatibly co-exist;
5. Provide convenient access to public open space and the waterfront;
6. Improve access to the Coliseum area's creeks, channels, and bay frontage, and provide recreational opportunities along these waterways;
7. Encourage quality and variety in building and landscape design, as well as compatibility in use and form; and
8. Encourage development that is respectful of the environmental qualities that the Coliseum area has to offer.

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

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

17.101H.020 Required design review.

A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104. Properties located within the Land Use Jurisdiction of the Port of Oakland, as amended, are subject to the Port's Land Use and Development Code, which supersedes the Oakland Planning Code in areas of the Port's jurisdiction,

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- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the Coliseum Area Specific Plan is required for any proposal in the D-CO zones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the Coliseum Area Specific Plan, the design objectives in the Coliseum Area Specific Plan shall prevail.

17.101H.030 Permitted and conditionally permitted activities.

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

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101H.01: Permitted and Conditionally Permitted Activities

<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Residential Activities</u>							
<u>Permanent</u>	<u>P(L1)</u>	<u>P(L1)</u>	<u>=</u>	<u>C(L1)(L4)</u>	<u>=</u>	<u>=</u>	
<u>Residential Care</u>	<u>C(L1)</u>	<u>C(L1)</u>	<u>=</u>	<u>C(L1)</u>	<u>=</u>	<u>=</u>	<u>17.103.010</u>
<u>Service-Enriched Permanent Housing</u>	<u>C(L1)</u>	<u>C(L1)</u>	<u>=</u>	<u>C(L1)</u>	<u>=</u>	<u>=</u>	<u>17.103.010</u>
<u>Transitional Housing</u>	<u>C(L1)</u>	<u>C(L1)</u>	<u>=</u>	<u>C(L1)</u>	<u>=</u>	<u>=</u>	<u>17.103.010</u>
<u>Emergency Shelter</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.103.010</u>
<u>Semi-Transient</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.103.010</u>

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<u>Bed and Breakfast</u>	=	=	=	=	=	=	<u>17.10.125</u>
Activities							
<u>Activities</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
Civic Activities							
<u>Essential Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Limited Child-Care Activities</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	=	=	
<u>Community Assembly</u>	<u>P(L2)</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>C</u>	<u>C</u>	
<u>Recreational Assembly</u>	<u>P(L2)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Community Education</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	=	<u>C</u>	
<u>Nonassembly Cultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Administrative</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Health Care</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	
<u>Special Health Care</u>	=	=	=	=	=	=	
<u>Utility and Vehicular</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Extensive Impact</u>	<u>C(L5)</u>	<u>C(L5)</u>	<u>C(L5)</u>	<u>C(L5)</u>	<u>C(L5)</u>	<u>C(L5)</u>	
Commercial Activities							
<u>General Food Sales</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	
<u>Full Service Restaurants</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	

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<u>Limited Service Restaurant and Cafe</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	
<u>Fast-Food Restaurant</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.103.030 and 8.09</u>
<u>Convenience Market</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>C</u>	<u>17.103.030</u>
<u>Alcoholic Beverage Sales</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>17.103.030 and 17.114.030</u>
<u>Mechanical or Electronic Games</u>	<u>C</u>	<u>P</u>	<u>P(L6)</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Medical Service</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>General Retail Sales</u>	<u>P</u>	<u>P</u>	<u>P(L10)</u>	<u>P</u>	<u>P(L10)</u>	<u>P(L10)</u>	
<u>Large-Scale Combined Retail and Grocery Sales</u>	<u>=</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Consumer Service</u>	<u>P(L8)</u>	<u>P(L8)</u>	<u>P(L8)</u>	<u>P(L8)</u>	<u>C</u>	<u>C</u>	
<u>Consultative and Financial Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	
<u>Check Cashier and Check Cashing</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.103.040</u>
<u>Consumer Cleaning and Repair Service</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	
<u>Consumer Dry Cleaning Plant</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	
<u>Group Assembly</u>	<u>P(L14)</u>	<u>P(L14)</u>	<u>P(L6)(L14)</u>	<u>P(L3)(L14)</u>	<u>C(L14)</u>	<u>C(L14)</u>	

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<u>Personal Instruction and Improvement Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	
<u>Administrative</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Business, Communication, and Media Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Broadcasting and Recording Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Research Service</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	<u>P(L9)</u>	
<u>General Wholesale Sales</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	<u>P(L2)</u>	
<u>Transient Habitation (Hotels)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>C</u>	<u>17.103.050</u>
<u>Building Material Sales</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Automobile and Other Light Vehicle Sales and Rental</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>C</u>	
<u>Automobile and Other Light Vehicle Gas Station and Servicing</u>	<u>=</u>	<u>=</u>	<u>C(L11)</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Automobile and Other Light Vehicle Repair and Cleaning</u>	<u>=</u>	<u>=</u>	<u>C(L11)</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Taxi and Light Fleet-Based Services</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Automotive Fee Parking</u>	<u>C</u>	<u>C</u>	<u>C(L11)(L15)</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Animal Boarding</u>	<u>=</u>	<u>=</u>	<u>C(L11)(L13)</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Animal Care</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	

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<u>Undertaking Service</u>	=	=	=	=	=	=	
<u>Industrial Activities</u>							
<u>Custom Manufacturing</u>	<u>P(L3)</u>	<u>P</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P</u>	<u>P</u>	<u>17.120</u>
<u>Light Manufacturing</u>	<u>C</u>	<u>C</u>	<u>P(L3)(L9)</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>17.120</u>
<u>General Manufacturing</u>	=	=	<u>C(L11)(L13)</u>	=	=	=	
<u>Heavy/High Impact</u>	=	=	=	=	=	=	
<u>Research and Development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Construction Operations</u>	=	=	=	=	=	=	
<u>Warehousing, Storage, and Distribution-Related:</u>							
<u>A. General Warehousing, Storage and Distribution</u>	=	=	<u>P(L2)(L9)</u>	<u>C</u>	<u>P(L9)</u>	<u>P(L9)</u>	
<u>B. General Outdoor Storage</u>	=	=	=	=	<u>C(L11)(L13)</u>	<u>C(L13)</u>	
<u>C. Self- or Mini Storage</u>	=	=	=	=	<u>C(L11)</u>	=	
<u>D. Container Storage</u>	=	=	=	=	=	=	
<u>E. Salvage/Junk Yards</u>	=	=	=	=	=	=	
<u>Regional Freight Transportation-Related:</u>							
<u>A. Seaport</u>	=	=	=	=	=	=	
<u>B. Rail Yard</u>	=	=	=	=	=	=	
<u>Trucking and Truck-Related:</u>							

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<u>A. Freight/Truck Terminal</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>B. Truck Yard</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>C. Truck Weigh Stations</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>D. Truck & Other Heavy Vehicle Sales, Rental & Leasing</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>E. Truck & Other Heavy Vehicle Service, Repair, and Refueling</u>	=	=	=	=	<u>C(L7)</u>	=	
<u>Recycling and Waste-Related:</u>							
<u>A. Satellite Recycling Collection Centers</u>	=	=	=	=	=	=	
<u>B. Primary Recycling Collection Centers</u>	=	=	=	=	=	=	<u>17.73.035</u>
<u>Hazardous Materials Production, Storage, and Waste Management-Related:</u>							
<u>A. Small Scale Transfer and Storage</u>	=	=	=	=	=	=	
<u>B. Industrial Transfer/Storage</u>	=	=	=	=	=	=	
<u>C. Residuals Repositories</u>	=	=	=	=	=	=	
<u>D. Oil and Gas Storage</u>	=	=	=	=	=	=	
<u>Agriculture and Extractive Activities</u>							
<u>Limited Agriculture</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	<u>P(L16)</u>	

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<u>Extensive Agriculture</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	<u>C(L17)</u>	
<u>Plant Nursery</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C(L12)</u>	<u>C(L12)</u>	
<u>Mining and Quarrying</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Accessory off-street parking serving prohibited activities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.116.175</u>
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.102.110</u>

Limitations on Table 17.101H.01:

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

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

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

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

- 1. That there will be no health risk to new residents from neighboring business operations;**
- 2. That new development will meet residential environmental safety standards;**
- 3. that the design of future development demonstrates adaptation to rising sea levels and the potential for inundation by the Bay and other flood waters;**
- 4. That avigation easements for the Oakland International Airport will be negotiated with future owners or tenants, and deed disclosures about proximity to Airport operations will be made;**

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5. That the cumulative effects of locating the project within the proposed area have been analyzed and, where applicable, measures that minimize adverse impacts to the surrounding community have been incorporated into the project.
- L5. The Extensive Impact Civic Activity category includes, but is not limited to, stadiums and sports arenas (see Section 17.10.240.Q). In the D-CO-3 Zone, stadiums and sports arenas are only allowed in the area between Damon Slough and Elmhurst Creek.
- L6. Permitted outright if located in the D-CO-3 Zone between Damon Slough and Elmhurst Creek; conditionally permitted if located elsewhere in the D-CO-3 Zone (see Chapter 17.134 for the CUP procedure).
- L7. In the D-CO-5 Zone, these activities are only allowed in the area between San Leandro Creek and Doolittle Drive.
- L8. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to Laundromats.
- L9. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L10. Permitted outright if located within one thousand (1,000) feet of Highway 880 or Hegenberger Road; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure).
- L11. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way.
- L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.
- L13. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Oakport Street right-of-way. A Conditional Use Permit is required if located within three hundred (300) feet of: a) the Estuary or Bay shoreline; b) the Damon Slough, Elmhurst Creek, East Creek Slough, or San Leandro Creek top of bank; or c) any Open Space zone (see Chapter 17.134 for the CUP procedure). All outdoor storage shall be screened by a solid wall of at least eight (8) feet in height, with buffer planting installed along the exterior wall perimeter.
- L14. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.
- L15. Existing fee parking lots within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-way may be reconfigured to increase the number of parking spaces and make more efficient use of the existing parking area. Expansion of existing facilities to include structured parking or expanding the size of the parcel with the parking constitutes an expansion of a nonconforming use and is not permitted.

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

L17. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

17.101H.040 Permitted and conditionally permitted facilities.

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

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.101H.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Residential Facilities</u>							
<u>One-Family Dwelling</u>	=	=	=	=	=	=	
<u>One-Family Dwelling with Secondary Unit</u>	=	=	=	=	=	=	<u>17.103.080</u>
<u>Two-Family Dwelling</u>	P	P	=	C	=	=	
<u>Multifamily Dwelling</u>	P	P	=	C	=	=	
<u>Rooming House</u>	=	=	=	=	=	=	

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<u>Mobile Home</u>	=	=	=	=	=	=	
<u>Nonresidential Facilities</u>							
<u>Enclosed Nonresidential</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Open Nonresidential</u>	<u>C(L1)</u>	<u>P</u>	<u>P</u>	<u>C(L1)</u>	<u>P</u>	<u>P</u>	
<u>Sidewalk Cafe</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>17.103.090</u>
<u>Drive-In</u>	=	<u>C</u>	<u>C</u>	=	=	=	
<u>Drive-Through</u>	=	<u>C(L2)</u>	<u>C(L2)</u>	=	<u>C(L2)</u>	<u>C(L2)</u>	<u>17.103.100</u>
<u>Telecommunications Facilities</u>							
<u>Micro Telecommunications</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>17.128</u>
<u>Mini Telecommunications</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>P(L3)</u>	<u>17.128</u>
<u>Macro Telecommunications</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.128</u>
<u>Monopole Telecommunications</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>17.128</u>
<u>Tower Telecommunications</u>	=	=	=	=	=	=	<u>17.128</u>
<u>Sign Facilities</u>							
<u>Residential Signs</u>	<u>P</u>	<u>P</u>	=	<u>P</u>	=	=	<u>17.104</u>
<u>Special Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Development Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Realty Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Civic Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>

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<u>Business Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.104</u>
<u>Advertising Signs</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>17.104</u>

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Limitations on Table 17.101H.02:

L1. Open Nonresidential Facilities accommodating activities other than Civic Activities, Limited Agriculture, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than three hundred (300) feet of a lot line adjacent to the Hegenberger Road or Oakport Street right-of-way, or five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L3. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones.

17.101H.050 Property development standards.

Zone Specific Standards. Table 17.101H.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to that zone.

Table 17.101H.03 Property Development Standards

<u>Development Standards</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Minimum Lot Dimensions</u>							
<u>Width mean</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>1</u>				
<u>Frontage</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>1</u>				
<u>Lot area</u>	<u>4,000 sf.</u>	<u>5,000 sf.</u>	<u>5,000 sf.</u>	<u>5,000 sf.</u>	<u>10,000 sf.</u>	<u>10,000 sf.</u>	<u>1</u>

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<u>Development Standards</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Minimum/Maximum Setbacks</u>							
<u>Minimum front</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0/10 ft.</u>	<u>0 ft.</u>	<u>10 ft.</u>	<u>0 ft.</u>	<u>2</u>
<u>Minimum interior side</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>2</u>
<u>Minimum street side of a corner lot</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>2</u>
<u>Rear (residential facilities)</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>N/A</u>	<u>10 ft.</u>	<u>N/A</u>	<u>N/A</u>	<u>2, 3</u>
<u>Rear (nonresidential facilities)</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>3</u>
<u>Height Regulations</u>							
<u>Maximum height allowed by right</u>	<u>159 ft.</u>	<u>159 ft.</u>	<u>159 ft.</u>	<u>159 ft.</u>	<u>159 ft.</u>	<u>85 ft.</u>	<u>4, 5, 6</u> <u>Additional height may be allowed by the Planning Director, pursuant to FAA review and CUP approval</u>
<u>Fence heights & other regulations</u>	<u>See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls.</u>						

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<u>Development Standards</u>	<u>Zones</u>						<u>Additional Regulations</u>
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
<u>Maximum fence height adjacent to Open Space zones</u>	<u>8 ft.</u>	<u>8 ft.</u>		<u>8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u>
<u>Maximum Residential Density (square feet of lot area required per dwelling unit)</u>							
<u>Regular Units</u>	<u>130</u>	<u>130</u>		<u>N/A</u>	<u>260</u>	<u>N/A</u>	<u>N/A</u>
<u>Rooming Units</u>	<u>65</u>	<u>65</u>		<u>N/A</u>	<u>130</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum Nonresidential FAR</u>	<u>8.0</u>	<u>8.0</u>		<u>6.0</u>	<u>5.0</u>	<u>4.0</u>	<u>4.0</u>
<u>Minimum Usable Open Space</u>							
<u>Usable Open Space per Regular Dwelling Unit</u>	<u>75 sf.</u>	<u>75 sf.</u>		<u>N/A</u>	<u>100 sf.</u>	<u>N/A</u>	<u>N/A</u>
<u>Usable open space per Rooming Unit</u>	<u>38 sf.</u>	<u>38 sf.</u>		<u>N/A</u>	<u>50 sf.</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum Parking and Loading Requirements</u>	<u>See Chapter 17.116 for loading and automobile parking; and Chapter 17.117 for bicycle parking</u>						

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Development Standards	Zones						Additional Regulations
	<u>D-CO-1</u>	<u>D-CO-2</u>	<u>D-CO-3</u>	<u>D-CO-4</u>	<u>D-CO-5</u>	<u>D-CO-6</u>	
Minimum Required Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking						
Courtyard Regulations	See Sec. <u>17.108.120</u>	See Sec. <u>17.108.120</u>	N/A	See Sec. <u>17.108.120</u>	N/A	N/A	
Landscaping Regulations							
<u>Site landscaping (% of entire lot area)</u>	See Chs. <u>17.110</u> and <u>17.124</u>	See Chs. <u>17.110</u> and <u>17.124</u>	5%	See Chs. <u>17.110</u> and <u>17.124</u>	5%	5%	<u>7, 8, 9</u>
<u>Parking lot landscaping (% of parking lot area)</u>	See Chs. <u>17.110</u> and <u>17.124</u>	See Chs. <u>17.110</u> and <u>17.124</u>	10%	See Chs. <u>17.110</u> and <u>17.124</u>	10%	10%	<u>7, 8</u>

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Additional Regulations for Table 17.101H.03:

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

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

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

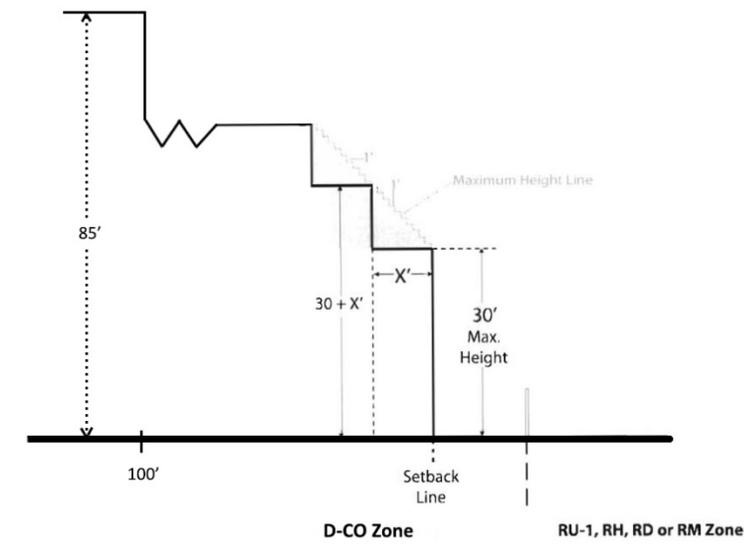
4. The height of all structures shall be subject to Federal Aviation Administration (FAA) regulations.

5. The maximum by-right height of 159 feet may only be exceeded in the following situation: a) the proposed structure has undergone a Federal Aviation Administration (FAA) Review, and b) the additional height has received approval pursuant to the City's conditional use permit procedure (see Chapter 17.134).

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6. Buildings shall have an eighty-five (85) foot maximum height when located within one hundred (100 feet) of any lot line that abuts a lot in a RH, RD, RM, RU, or S-15 zone. In addition, buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in a RH, RD, RM, or RU zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.101H.03 [Additional Regulation 6], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.101H.03 [Additional Regulation 6]
*for illustration purposes only



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

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

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

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

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one (1) acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.101H.070 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a planned unit development permit pursuant to Chapters 17.140 and 17.142, and shall be subject to the following special regulations:

- A. Intermodal Activities and Pedestrian Plaza. Developments should incorporate multiple forms of public transportation and a pedestrian plaza.
- B. Professional Design. The application shall utilize the following professionals in the design process for the development:
 - 1. An architect licensed by the state of California; and
 - 2. A landscape architect licensed by the state of California, or an urban planner holding or capable of holding membership in the American Institute of Certified Planners.
- C. Undergrounding of Utilities. All electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer as required by the City. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.
- D. Performance Bonds. The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any said development, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.101H.060. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty percent (150%) of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. This requirement shall not apply if evidence is provided to the city which indicates that alternative bonding or other assurances have been secured by the Bay Area Rapid Transit District.

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

In the D-CO-1 Zone, a conditional use permit for any activity or facility listed in Sections 17.101H.030, 17.101H.040, and 17.101H.060, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

- A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;
- B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;
- C. That the proposal is designed to provide a safe and pleasant pedestrian environment;
- D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:
 1. That vehicular access cannot reasonably be provided from a different street or other way;
 2. That every reasonable effort has been made to share means of vehicular access with abutting properties;
 3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B.
- E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.
- F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:
 1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;
 2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;
 3. The new parking structure shall represent no more than a seventy-five percent (75%) increase of existing parking at the site;
 4. Auto fee parking at the site shall be specifically designated by a city sponsored plan or study designed to promote a transit oriented district as defined by the general plan;
 5. The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal Street(s) by the residential and/or commercial facility or facilities; and
 6. The project shall be consistent in all significant respects with the general plan's goals, objectives, and policies that promote transit oriented development and districts.

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For purposes of this subsection 17.101H.100(F) "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the general plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three (3) or more streets, at least two (2) streets shall be designated as principal streets.

17.101H.080 Special regulations for large scale developments.

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, or upon the granting of a planned unit development approval pursuant to Chapters 17.140 and 17.142.

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

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

17.101H.100 Other zoning provisions.

The following contains referrals to other regulations that may apply:

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.103, 17.104, 17.106, and 17.108 shall apply in the D-CO Zones.
- B. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-CO Zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the D-CO Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

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G. Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts in Chapter 17.120 shall apply in the D-CO Zones.

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Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:

Article III - Commercial Activities

Article III Commercial Activities

17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.

17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.

- A. Use Permit Criteria for Fast-Food Restaurants, Convenience Markets, and Establishments Selling Alcoholic Beverages. A conditional use permit for any conditionally permitted Fast-Food Restaurant, Convenience Market, or Alcoholic Beverage Sales Commercial Activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:
1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
 2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
 3. That the proposal will not interfere with the movement of people along an important pedestrian street;
 4. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;
 5. That the design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression;
 6. That adequate litter receptacles will be provided where appropriate;
 7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m. The same criteria shall apply to all conditional use permits required by Subsection B. of this Section for sale of alcoholic beverages at full-service restaurants;

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8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant—Guidelines for Development and Evaluation" (OCPD 100-18).
- B. Special Restrictions on Establishments Selling Alcoholic Beverages.
1. No Alcoholic Beverage Sales Commercial Activity or sale of alcoholic beverages shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Commercial Activity measured between closest building walls, except:
 - a. On-sale retail licenses located in the Central District (defined for the purposes of this Chapter) only as within the boundaries of 1-980 and Brush street to the west; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or
 - b. Off-sale retail licenses located in the Jack London district (defined for the purposes of this Chapter only as within the boundaries of Martin Luther King Jr. Way to the west, I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or
 - c. If the activity is in conjunction with a Full-Service Restaurant Commercial Activity; or
 - d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees or a total floor area of twelve thousand (12,000) square feet or more.
 - e. If the activity is in conjunction with the on-sale and/or off-sale of alcoholic beverages at an alcoholic beverage manufacturer:
 - i. For the purposes of this Chapter only, an “alcoholic beverage manufacturer” means a Custom or Light Manufacturing Activity producing alcoholic beverages as a principal activity, with a State of California Department of Alcoholic Beverage Control (ABC) license type that includes, but is not limited to, a Type 02 (Winegrower) or Type 23 (Small Beer Manufacturer). The ABC license type shall not consist solely of a bar or liquor store license type, such as a Type 48, 20, or 21. The on-sale and/or off-sale of alcoholic beverages at such an alcoholic beverage manufacturer are excluded from the definition of Alcoholic Beverage Sales Commercial Activities, as specified in Section 17.10.300.
 - ii. The sale of alcoholic beverages at an alcoholic beverage manufacturer is only permitted upon the granting of a Minor Conditional Use Permit, regardless of whether such Custom or Light Manufacturing Activity is otherwise allowed by right in the underlying zone (see Chapter 17.134 for the CUP procedure).
 - iii. Also, no additional CUP findings are required, regardless of whether such sale of alcoholic beverages at an alcoholic beverage manufacturer meets normally required separation requirements, and/or is located in an over-concentrated area.
 2. Sale of alcoholic beverages in conjunction with a Full Service Restaurant Commercial Activity and located within any of the following restricted street areas applied to a depth of two hundred (200) feet on each side of the identified streets and portions of streets, as measured perpendicularly from the right-of-way line thereof: International Boulevard; Foothill Boulevard; MacArthur Boulevard and West MacArthur Boulevard;

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that portion of San Pablo Avenue lying between Highway 1-980 and 1-580; that portion of Edes Avenue lying between Clara Street and Bergedo Drive, shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134

3. In addition to the criteria prescribed elsewhere in the zoning regulations, a land use permit for an Alcoholic Beverage Sales Commercial Activity located within an Alcoholic Beverage Sales license overconcentrated area shall only be granted, and a finding of Public Convenience or Necessity made, if the proposal conforms to all of the following three (3) criteria:
 - a. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and
 - b. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and
 - c. That alcohol sales are customarily associated with, and are appropriate, incidental, and subordinate to, a principal activity on the lot.
 4. In addition to the above criteria, projects outside of the Central District (defined for the purposes of this Chapter only as within the boundaries of 1-980 and Brush Street to the west; both sides of 27th Street to the North; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south), the and-Hegenberger Road Corridor, and the D-CO-2 and D-CO-3 Zones shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twelve thousand (12,000) square feet or more:
 - a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (not including Full Service Restaurant Commercial Activities), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and
 - b. Police department calls for service within the "beat" where the project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats Citywide during the preceding one (1) calendar year.
 5. See Chapter 17.156 for Deemed Approved Alcoholic Beverage Sale regulations.
- C. Special Restrictions Applying to Fast-Food Restaurants.
1. No Fast-Food Restaurant Commercial Activity shall be located within a one thousand (1,000) foot radius of an existing or approved Fast-Food Restaurant, as measured from the center of the front property line of the proposed site, except in the Central District (defined for the purposes of this Chapter only as within the boundaries of 1-980 and Brush Street to the west; both sides of 27th Street to the North; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south), within

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the main building of Shopping Center Facilities, and in the D-CO-2 and D-CO-3 Zones.
~~CR-1 Regional Commercial Zone.~~

2. Fast-Food Restaurants with Drive-Through Facilities shall not be located within three hundred (300) feet of a lot line adjacent to the Hegenberger Road or Oakport Street right-of-way, or five hundred (500) feet of a public or private elementary school, park, or playground.
3. Access. Ingress and egress to Fast-Food Facilities shall be limited to commercial arterial streets rather than residential streets. No direct access shall be provided to adjacent residential streets which are less than thirty-two (32) feet in pavement width. Exceptions to either of the requirements may be obtained where the City Traffic Engineer determines that compliance would deteriorate local circulation or jeopardize the public safety. Any such determination shall be stated in writing and shall be supported with findings. Driveway locations and widths and entrances and exits to Fast-Food Facilities shall be subject to the approval of the City Traffic Engineer.
4. Trash and Litter. Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants shall be imprinted with the restaurant name or logo.
5. Vacated/Abandoned Fast-Food Facilities. The project sponsor of a proposed Fast-Food Facility shall be required to obtain a performance bond, or other security acceptable to the City Attorney, to cover the cost of securing and maintaining the facility and site if it is abandoned or vacated within a prescribed high-risk period. As used in this code, the words "abandoned" or "vacated" shall mean a facility that has not been operational for a period of thirty (30) consecutive days, except where nonoperation is the result of maintenance or renovation activity pursuant to valid City permits. The defined period of coverage is four (4) years following the obtaining of an occupancy permit. The bond may be renewed annually, and proof of renewal shall be forwarded to the Director of City Planning. The bond amount shall be determined by the City's Risk Manager and shall be adequate to defray expenses associated with the requirements outlined below. Monitoring and enforcement of the requirements set forth in this Section shall be the responsibility of the Building Official, pursuant to Chapter 8.24 of the Oakland Municipal Code (O.M.C.) and those sections of the Oakland Building Code which are applicable. If a Fast-Food Facility has been vacated or abandoned for more than thirty (30) consecutive days, the project sponsor shall be required to comply with the following requirements, pursuant to the relevant cited City, County and State codes:
 - a. Enclose the property with a security fence and secure the facility;
 - b. Post signs indicating that vehicular parking and storage are prohibited on the site (10.16.070 O.T.C. and 22658 C.V.C.), and that violators will be cited, and vehicles towed at the owner's expense, and that it is unlawful to litter or dump waste on the site (Sections 374b.5 C.P.C. and 374b C.P.C.). All signs shall conform to the limitations on signs for the specific zone and shall be weatherproof and of appropriate size and standard design for the particular function;
 - c. Install and maintain security lighting as appropriate and required by the Oakland Police Department;
 - d. Keep the site free of handbills, posters and graffiti and clear of litter and debris pursuant to Section 8.38.160 of the O.M.C.;

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- e. Maintain existing landscaping and keep the site free of overgrown vegetation.
(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

ATTACHMENT B to City Planning Commission Staff Report of February 4, 2015**Chapter 17.104 GENERAL LIMITATIONS ON SIGNS****Sections:**

- 17.104.020 General limitations on signs—RU-4 and RU-5 zones, and all Commercial and Industrial zones.
- 17.104.030 General limitations on signs—S-1, S-2, S-3, D-CO-1, and S-15 zones.
- 17.104.040 Limitations on Signs within one thousand (1,000) feet of rapid transit routes.
- 17.104.060 General Limitations on Advertising Signs.

17.104.020 General limitations on signs—RU-4 and RU-5 zones, and all Commercial and Industrial zones.

The following limitations shall apply to the specified Signs in the RU-4 and RU-5 Zones and all Commercial and Industrial zones, and except as otherwise provided herein, and are in addition to the limitations, if any, prescribed for Signs in the applicable individual zone regulations and development control maps:

- A. Design Review. No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- B. Permitted Aggregate Sign Area.
 - 1. In the RU-4 and RU-5 Zones and all Commercial zones, the maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below and to the small project design review procedure in Chapter 17.136.
 - 2. In all Industrial zones, the maximum aggregate area of display surface of all business, civic and residential signs on any one lot shall be one (1) square foot for each one (1) foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed three hundred (300) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.3. below.
 - 3. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:

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- a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.
 - b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.
- C. Maximum Height.
- 1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
 - 2. Freestanding Signs. The maximum height of any freestanding sign in the CC, M-20, M-30, M-40, CIX, IG, IO, ~~and D-CE, D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6~~ Zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 Zones and all other Commercial and Industrial zones is ten (10) feet.
- D. Limitations on Signs within Required Minimum Yards.
- 1. No business, realty, or development sign shall be located within a required minimum yard.
- E. Special Limitations Near Boundaries of Residential Zones, Except the RU-4 and RU-5 Zones. The following special limitations shall apply to the indicated signs within the specified distances from any boundary of a Residential zone, except the RU-4 and RU-5 Zones. For the purposes of this Subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.
- 1. Within twenty-five (25) feet from any boundary of a Residential zone, except the RU-4 and RU-5 Zones, no business sign shall face said boundary if it is visible therefrom.
- F. Development Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial zones, the maximum aggregate area of display surface of all development signs on any one lot shall be either seventy-five (75) square feet or one (1) square foot for each two (2) feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- G. Realty Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial zones, the maximum aggregate area of display surface of all Realty Signs on any one lot shall be one (1) square foot for each two (2) feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

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- H. Signs Within One thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.
- I. Permitted Projection Over Sidewalk. An awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building may project up to two-thirds (66.7%) of the distance from the lot line to the curb, but cannot extend more than seven (7) feet from the face of building or closer than two (2) feet to the curb. Any awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building shall provide eight (8) feet minimum clearance above a sidewalk for framed or rigid portions, and seven (7) feet minimum clearance for any unframed valance.
- J. Temporary Business Signs.
 - 1. Size Allowed. Temporary signs are allowed in addition to permanent signs. The size of the temporary signs may not exceed the allowed square footage for permanent signs.
 - 2. Allowed Time Limits.
 - a. Grand Opening Signs. Temporary signs for the purpose of grand openings of a new business can be in place for a maximum of thirty (30) days. The installation date of the sign shall be placed on the sign to verify compliance with this regulation.
 - b. Special Event Signs. Temporary signs for the purpose of special events may be placed on site a maximum of four (4) times per calendar year and a maximum of five (5) consecutive days per event.
 - 3. Placement of Signs.
 - a. Signs are allowed on private property only. Signs shall not be placed in public rights-of-way or at off-site locations.
 - b. Signs must be affixed to a permanent structure.
 - 4. Temporary signs shall not be illuminated.
 - 5. Durable Materials Required. Signs shall be constructed of durable, rigid material suitable to the location and purpose. Only interior window signs may be made of nonrigid (e.g. paper) material.
 - 6. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the time limits set forth above.
- K. Window Signs. Window signs shall not take up more than twenty-five percent (25%) of any one window. Window signs shall count against the total allowable aggregate sign area for the property as measured in Subsection 17.104.020.B. Interior signs which are located eighteen (18) inches or more from behind the window face shall be exempt from these regulations.
- L. Clear Sight Restrictions. A triangular area measuring fifteen (15) feet from the intersection along each street line shall be kept free of all freestanding signs. A triangular area measuring ten (10) feet from the intersection of a driveway and a street line shall be kept free of all freestanding signs.

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17.104.030 General limitations on signs—S-1, S-2, S-3, D-CO-1, and S-15 zones.

The following limitations shall apply to the specified signs in the S-1, S-2, S-3, D-CO-1, and S-15 Zones, and are in addition to the limitations, if any, prescribed for signs in the applicable individual zone regulations or development control maps:

- A. Design Review. No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- B. Permitted Aggregate Sign Area. S-1, S-2, S-3, D-CO-1, and S-15 Zones. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one (1) square foot for each one foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.1. below.
 - 1. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:
 - a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.
 - b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.
- C. Maximum Height.
 - 1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
 - 2. Freestanding Signs. The maximum height of any freestanding sign in the S-1, S-2, S-3, D-CO-1, and S-15 Zones is ten (10) feet.
- D. Special Limitations Near Boundaries of Residential Zones, except the RU-4 and RU-5 Zones. Signs shall be subject to the same special limitations along or near boundaries of Residential zones, except the RU-4 and RU-5 Zones, as are set forth in Subsection 17.104.020.E.
- E. Special, Development, and Realty Signs. All special, development, and realty signs shall be subject to the same limitations as are set forth in Subsections C., D. and F. of Section 17.104.010 for such signs in Residential zones, except the RU-4 and RU-5 Zones.
- F. Signs within One Thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.

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17.104.040 Limitations on Signs within one thousand (1,000) feet of rapid transit routes.

The following limitations shall apply in all zones, within one thousand (1,000) feet of the centerline of every rapid transit route, after the date of official determination thereof and except where the route is underground. The distance shall be measured perpendicularly from said centerline, i.e., at right angles to said centerline. These provisions shall not prohibit a sign identifying an on-premises business or naming the product manufactured thereon, except to the extent of requiring design review approval.

- A. Design Review for Certain New or Altered Signs the Advertising Material of Which Is Primarily Viewable from the Transit Route.
 - 1. No sign the advertising material of which is or has become primarily viewable by the passengers on the transit route shall be constructed, established, reoriented, changed as to illumination, or otherwise altered or painted a new color unless plans for such Sign have been approved pursuant to the regular design review procedure in Chapter 17.136.
 - 2. The Director of City Planning shall determine which signs are or have become primarily viewable by the passengers on the transit route, subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- B. Removal of Nonconforming Existing Signs. See Section 17.114.150.

17.104.060 General Limitations on Advertising Signs.

Notwithstanding any provisions to the contrary contained within the Planning Code, advertising signs are not permitted in Oakland except (1) as otherwise provided for in this Code, or (2) pursuant to a franchise agreement or relocation agreement authorized by the Oakland City Council, which expressly allows advertising signs and then only under the terms and conditions of such agreements.

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17.108.020 Different maximum height in certain situations.

17.108.080 Minimum side yard opposite living room windows.

17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.

17.108.020 Different maximum height in certain situations.

General Height for Civic Facilities with Increased Yards. On parcels in the RH, RD, RM, RU, CN, CC, CR, HBX, M-20, S-15, OS, D-CO, and D-CE Zones that have a height limit of less than seventy-five (75) feet, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations, have a height of up to seventy-five (75) feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 if the minimum depth or width, as the case may be, of each front, side, and rear yard, if any, otherwise required is increased for such facility by one (1) foot for each foot by which the facility exceeds the aforesaid maximum height. To the extent allowed by the conditional use permit, the greater height authorized by this Subsection may be exceeded by the projections allowed by Section 17.108.030.

17.108.080 Minimum side yard opposite living room windows.

On each lot containing Residential Facilities with a total of two (2) or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-LM, D-CO, S-1, S-2, S-15, and D-KP Zones and fifteen percent (15%) of the lot width in all other 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.

17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.

- A. Compliance with Oakland Traffic Code. Notwithstanding other provisions of the Oakland Planning Code, all fences, dense hedges, barrier and similar freestanding walls shall

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comply with the applicable provisions of Chapter 10.60 of the Oakland Traffic Code, entitled "Vision Obscurements at Intersections".

- B. Residential zones and Residential Facilities. The provisions of this Section apply to all properties located in all residential zones, and to all properties located in any zone containing Residential Facilities.
1. Height. In the locations specified below, the height of any fence, dense hedge, or barrier or similar freestanding wall, but excluding retaining walls, shall not exceed the following:
 - a. In any minimum front yard, or any minimum side yard on the street side of a corner lot: forty two (42) inches, except that six (6) feet is permitted in the following cases:
 - i. In the portions of street side yards located within the greater of the following distances, from the rear lot line:
 - a) Thirty-five (35) feet from the rear lot line;
 - b) The distance between the rear lot line and a line that is perpendicular to the street side lot line and that extends to the rearmost enclosed portion of the primary building on the lot; or
 - ii. Upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.
 - b. In any minimum rear yard if within ten (10) feet of a street line that abuts the lot: six (6) feet.
 - c. In any other minimum yard or court: eight (8) feet; and
 - d. One (1) entry gateway, trellis or other entry structure may be permitted in the required front setback area of each lot provided the maximum height or width of the facility does not exceed ten (10) feet.
 2. Materials. The following materials are restricted in constructing or rebuilding walls or fences:
 - a. Barbed wire or razor wire is not allowed to be used in fences.
 - b. Chain link fencing is not allowed to exceed forty-two (42) inches in height in the following locations:
 - i. Street-fronting yards; or
 - ii. Interior side yards if closer to the front lot line than the front wall of the primary Residential Facility.
 - c. Plain concrete blocks are not allowed as a fencing material unless capped and finished with stucco or other material approved by the Director of City Planning.
- C. Commercial zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones. The provisions of this Subsection apply to all properties located in all commercial zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones.
1. Height.
 - a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a residential zone shall not

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exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136

- b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.
2. Restricted Materials. In any location visible from the adjacent public right-of-way, no barbed wire or razor wire shall be permitted as part of or attached to fences or walls, or attached to the exterior of any building or similar facility.
- a. Exceptions. Fences enclosing the following activities shall be exempted from the above limitation on barbed wire and razor wire where the Director of City Planning determines that trespassing could present a public safety hazard and/or disruption of public utility, transportation, or communication services:
 - i. Public utility installations, including but not limited to electrical substations and gas substations.
 - ii. Rights-of-way and transit routes.
- D. Industrial Zones. The provisions of this Subsection apply to all properties in all industrial zoning districts.
- 1. Height.
 - a. The maximum height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located within a residential zone shall be eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136.

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Chapter 17.110 BUFFERING REGULATIONS**Sections:**

17.110.010 Title, purpose, and applicability.

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

17.110.030 General buffering requirements —Commercial and Industrial zones.

17.110.040 Special buffering requirements.

17.110.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the buffering regulations. The purpose of these regulations is to prescribe screening requirements and other controls designed to ensure an orderly relationship between neighboring developments, to enable diverse kinds of uses to be located near one another compatibly, and to improve the appearance of individual properties, neighborhoods, and the city. These regulations shall apply to the specified uses in the zones and situations indicated hereinafter.

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 Secondary Unit, and to all open off-street loading areas on any lot:
 1. Such parking and loading areas shall be screened from all lots abutting the side or rear property lines, except where a maneuvering aisle is shared with one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
 2. Such parking and loading areas shall also be screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, except where a driveway is located for access, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening and the exceptions stated in said chapter.

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3. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley.
- B. Screening of Open Storage Areas. All open storage of boats, trailers, building materials, appliances, and similar materials shall be screened from all abutting lots abutting the side or rear property lines, and streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet high, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.
 - C. Control on Artificial Illumination of Parking and Loading Areas. Artificial illumination of all off-street parking areas located on any lot containing three or more parking spaces and all off-street parking areas, and of driveways related thereto, except in the case of a One-Family Dwelling with Secondary Unit, shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare.

17.110.030 General buffering requirements —Commercial and industrial zones.

The following regulations shall apply in all Commercial and Industrial zones, and are in addition to the provisions set forth in Section 17.110.040:

- A. Screening Along Entire Lot Line Abutting Residential Zone If Lot in Commercial or Industrial Zone Is Occupied by Commercial, Industrial, or Agricultural or Extractive Activities. Wherever any lot which is located in any commercial or industrial zone and which is occupied by Commercial, Industrial, or Agricultural or Extractive Activities abuts a lot located in any residential zone, it shall be screened from the residentially zoned lot, along the entire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half feet (5½) high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter.
- B. Screening of Open Parking, Loading, and Storage Areas. All open off-street parking areas located on any lot containing three (3) or more independent parking spaces, and all open off-street loading, storage, sales, display, service, and processing areas on any lot, shall be:
 1. Screened from all abutting streets, alleys, paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than three and one-half (3½) feet high, except where a driveway is located for access, and except in the case of sales, rental, or display areas occupied by Automotive Sales, Rental, and Delivery Commercial Activities, subject to the standards for required landscaping and screening and the exceptions stated therein; and
 2. Screened from any Residential Facilities located on any lot abutting the side or rear property lines, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170, by dense landscaping not less

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than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein; and

3. Screened from any lot abutting the side or rear property lines located in any residential zone, except where a maneuvering aisle is shared with the one or more abutting lots in the manner described in Section 17.116.170, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, and/or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein.

- C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See subsections H and K of Section 17.108.130.
- D. Control on Artificial Illumination in Certain Situations. All artificial illumination which is readily visible from any of the Residential Facilities or residentially zoned lots referred to in subsection B of this section shall be directed away from said facilities and lots so as to eliminate objectionable glare.

17.110.040 Special buffering requirements.

- A. Open Storage Areas on Same Lot as Residential Facility—Screening Required Within Three Years. In all zones, on any lot which contains both a Residential Facility and any area devoted to open storage or display of goods or materials, said open storage or display area shall be screened from all abutting lots, streets, alleys, and paths, and private streets or other ways described in Section 17.106.020, by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide, or by a decorative screening fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. Existing open storage and display areas on such lots shall either be removed or provided with the above prescribed screening within three years after the effective date of the zoning regulations.
- B. Screening of Open Parking, Loading, and Storage Areas in the CN, CR-1, M-20, D-CE-3, D-CO-1, and S-15 zones. In the CN, CR-1, M-20, D-CE-3, D-CO-1, and S-15 zones, open parking, loading, and storage areas shall be subject to the same screening and setback requirements as are set forth in subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.
- C. Location of Detached Accessory Buildings on Corner Lot Abutting a Key Lot in a Residential Zone. In all zones, on any reversed corner lot which abuts a key lot located in any residential zone, no detached accessory building shall be located within five (5) feet from the abutting side lot line of the key lot. No detached accessory building on such lot shall be located closer to the street line on which the key lot fronts than a distance equal to the minimum front yard depth required on the key lot, unless the accessory building is at least thirty-five (35) feet from the side lot line of the key lot. An accessory building shall be considered detached from any principal building on the same lot if the only roofed

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attachment thereto consists of a breezeway or similar structure exceeding neither twelve (12) feet in height nor eight (8) feet in width.

- D. Other Provisions. Also applicable are the special provisions, if any, set forth in the applicable individual zone regulations and development control maps with respect to landscaping and screening and controls on parking, loading, and other specified uses; the requirements set forth in Section 17.102.140 for stables, corrals, and similar facilities; and the screening and other standards prescribed for required usable open space in the standards for required usable open space in Chapter 17.126.

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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 - Off-Street Loading Requirements

Article IV - Standards for Required Parking and Loading Facilities

Article I General Provisions

17.116.010 Title, purpose, and applicability.

17.116.020 Effect on new and existing uses.

17.116.030 More than one activity on a lot.

17.116.040 Determination by Director of City Planning.

17.116.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the off-street parking and loading requirements. The purpose of these regulations is to require adequate off-street parking and loading, thereby reducing traffic congestion, allowing more efficient utilization of on-street parking, promoting more efficient loading operations, and reducing the use of public streets for loading purposes. Except as may otherwise be specified in Chapter 17.101E for the D-CE Zones, these requirements shall apply to the indicated activities as specified hereinafter. See Chapter 17.101E Central Estuary District Zones Regulations for parking regulations specific to Boat and Marine Related Sales, Rental, Repair and Servicing for the D-CE Central Estuary District zones.

17.116.020 Effect on new and existing uses.

(See illustrations I-19a, b.)

- A. New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities. Except as otherwise provided in Sections 17.114.030 and Chapter 17.138, new off-street parking and loading as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for such activities, except to the extent that existing parking or loading exceeds such requirements for any existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date; provided, however, that for an activity occupying a facility existing on

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said effective date, new parking shall be required for said increase to the extent that the total of such existing facility and the added facilities exceeds any minimum size hereafter prescribed for which any parking is required for such activity.

- B. New Parking to Be Provided for New Living Units in Existing Facilities. Except as provided in Section 17.116.110(D)(3) for the conversion of historic buildings in the D-BV and D-LM zones, if any facility, or portion thereof, which is in existence on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for an activity therein, is altered or changed in occupancy so as to result in an increase in the number of residential living units therein, new off-street parking as prescribed hereafter shall be provided for the added units. However, such new parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new parking need not be provided to the extent that existing parking exceeds the latter requirement. Other alterations and substitutions or other changes in activities may be made in any facility or portion thereof existing on said date without regard for the parking and loading requirements prescribed hereafter, and new parking and loading shall not be required therefor, except as otherwise provided in subsection A of this section with respect to additions and in subsection C of this section.
- C. Existing Parking and Loading to Be Maintained. No existing parking or loading serving any activity shall be reduced in amount or changed in design, location, or maintenance below, or if already less than shall not be reduced further below, the requirements prescribed hereafter for such activity unless equivalent substitute facilities are provided.
- D. Parking to be Provided for Existing Residential Facilities. When a conditional use permit is required by Section 17.102.300 for the alteration of, or addition to, an existing Residential Facility in order to create a total of five (5) or more bedrooms in any dwelling unit, the off-street parking requirement of Section 17.102.300C shall apply to the entire facility, including the existing facility and any alteration or addition.

17.116.030 More than one activity on a lot.

(See illustrations I-20a, b.) Whenever a single lot contains different activities with the same off-street parking or loading requirement, the overall requirement shall be based on the sum of all such activities, and the minimum size prescribed hereafter for which any parking or loading is required shall be deemed to be exceeded for all such activities if it is exceeded by their sum. Whenever a single lot contains activities with different off-street parking or loading requirements, the overall requirement shall be the sum of the requirements for each such activity calculated separately; provided, however, that the minimum size prescribed hereafter for which any parking is required shall be deemed to be exceeded on said lot for all activities for which the same or a smaller minimum size, expressed in the same unit of measurement, is prescribed, if said minimum size is exceeded by the sum of all such activities on the lot.

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In the case of activities for which the Director of City Planning is required to prescribe a number of parking spaces or loading berths, he or she shall base his or her determination on the traffic generation of the activities, the amount and frequency of loading operations thereof, the time of operation of the activities, their location, and such other factors as affect the need for off-street parking or loading. Any such determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

Article II Off-Street Parking Requirements

17.116.050 Calculation rules.

17.116.060 Off-street parking—Residential Activities.

17.116.070 Off-street parking—Civic Activities.

17.116.080 Off-street parking—Commercial Activities.

17.116.082 Off-street parking in the D-BV Zones—Commercial Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

17.116.110 Special exemptions to parking requirements.

17.116.050 Calculation rules.

If after calculating the number of required off-street parking spaces a quotient is obtained containing a fraction of one-half or more, an additional space shall be required; if such fraction is less than one-half it may be disregarded. When the parking requirement is based on number of employees, the number of spaces shall be based on the number of working persons typically engaging in the specified activity on the lot during the largest shift of the peak season. When the requirement is based on number of doctors, the number of spaces shall be based on the number of such doctors typically engaging in the activity on the lot during the peak daily period. When the requirement is based on number of seats, each twenty (20) inches of pews or similar facilities shall be counted as one seat.

17.116.060 Off-street parking—Residential Activities.

A. Permanent and Semi-Transient Residential Activities. Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this chapter:

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Residential Facility Type	Zone	Requirement
One-Family Dwelling.	RH and RD zones, except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	RM-2 zone	One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone. One and one-half (1½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when combined with the S-12 zone.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040
One-Family Dwelling with Secondary Unit.	RH, RD, RM-1, and RM-2 zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least three (3) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	D-LM zones	No additional space required for secondary unit.
	All other zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least two (2) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080

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Residential Facility Type	Zone	Requirement
	Any zone combined with the S-12 zone.	See Section 17.94.040
Two-Family Dwelling, Multifamily Dwelling.	RD-2, RM-1, RM-2 zones, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit, <u>except for the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), where the minimum parking requirement shall be only one (1) space for each dwelling unit.</u>
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 <u>and D-CO</u> zones, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	D-BV-1 and D-BV-2 zones.	One-half (½) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	D-BV-3 and D-BV-4 zones.	Three-quarters (¾) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040
Rooming House.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	D-BV-1 and D-BV-2 zones.	One (1) space for each four rooming units.
	Any other zone.	One (1) space for each two rooming units.
Mobile Home.	CBD-P zone (when combined with the S-7 zone).	No spaces required.

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Residential Facility Type	Zone	Requirement
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast.	Any zone.	One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.
	D-LM zones.	Required parking for a One-Family dwelling in the underlying zone only.
	<u>Any other zone.</u>	<u>One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.</u>

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

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

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17.116.070 Off-street parking—Civic Activities.

Except as otherwise provided in Sections 17.44.200, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15 <u>and</u> D-CO zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	S-15 <u>and</u> D-CO zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
Private non-profit clubs and lodges.	S-15 <u>and</u> D-CO zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
Churches and all other.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	C-45, CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, D-LM and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	CN zones	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 and D-CO zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	CBD-P, CBD-C, CBD-X, and D-LM zones.	-	No spaces required.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
All others.	CBD-P, CBD-C, CBD-X, and D-LM zones.	-	No spaces required.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
D. Nonassembly Cultural Administrative.	CBD-P, CBD-C, CBD-X, and D-LM zones	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only if not combined with the S-7 zone), CBD-C, CBD-X, D-LM and S-2 zones.	No minimum	One (1) space for each staff or regular visiting doctor.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
Clinics.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15, <u>D-CO</u> , and D-LM zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees.
All other.	CBD-P zone (only when combined with the S-7 zone).	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, D-LM and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 and <u>D-CO</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	CDB-P, CBD-C, CBD-X and D-LM zones.	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.

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Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, CBD-X, and D-LM zones.	-	No spaces required.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each six students of planned capacity.
All other.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated

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zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales. Full Service Restaurant. Limited Service Restaurant and Cafe. Convenience Market. Alcoholic Beverage Sales.	C-55, CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45, C-51, S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 300 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet.	One space for each 200 square feet of floor area.
B. Mechanical or Electronic Games. Medical Service. General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required
	C-45 and S-2 zones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
<p>Consumer Service.</p> <p>Consumer Cleaning and Repair Service, except when services consist primarily of repair or cleaning of large items such as furniture or carpets.</p> <p>General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.</p> <p>Undertaking Service.</p>	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
<p>C. Consultative and Financial Service.</p> <p>Administrative.</p> <p>Business, Communication and Media Service.</p> <p>Broadcasting and Recording Services.</p> <p>Research Service.</p>	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
<p>D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.</p> <p>Building Material Sales.</p> <p>Automotive Sales and Service.</p> <p>Automobile and Other Light Vehicle Sales and</p>	S-15 <u>and D-CO-1</u> zones.	—	No spaces required.
	<u>D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6</u> zones.	<u>10,000 square feet of floor area.</u>	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040</u>
	C-45, CBD-P, CBD-C, CBD-X, D-LM, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Rental.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
E. Group Assembly. Personal Instruction and Improvement Services.	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO-1</u> , and S-15 zones.	—	No spaces required.
	<u>D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 zones.</u>	<u>10,000 square feet of floor area.</u>	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040</u>
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.
	CN zones.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), <u>D-CO-1</u> , and S-15 zones.	—	No spaces required.
	<u>D-CO-2</u> , <u>D-CO-3</u> , <u>D-CO-4</u> , <u>D-CO-5</u> , and <u>D-CO-6</u> zones.	<u>No minimum.</u>	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040</u>
	CBD-P, CBD-C, CBD-X, and D-BV zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as furniture or large appliances. Consumer Cleaning and Repair Service,	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
whenever services consist primarily of repair or cleaning of large items such as furniture or carpets. Animal care and Animal boarding.	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
H. Automobile and Other Light Vehicle Gas Station and Servicing. Automotive and Other Light Vehicle Repair and Cleaning. Automotive Fee Parking.	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing. Taxi and Light Fleet-based Service.	CBD-P, CBD-C, CBD-X, <u>D-CO</u> , and D-LM zones.	—	No spaces required.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three employees.
J. Scrap Operation.	CBD-P, CBD-C, CBD-X, <u>D-CO</u> , and D-LM zones.	—	No spaces required.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.

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Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45 zone.	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	CN and S-2 zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

17.116.082 Off-street parking in the D-BV Zones—Commercial Activities

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

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Location of Commercial Activity	Minimum Total Size for Which Parking Required	Requirement
A. Commercial Activities on the ground floor, except for Transient Habitation (see Table 17.116.080).	10,000 square feet of floor area.	One (1) space for each 500 square feet of floor area.
B. Commercial Activities not on the ground floor, except for Transient Habitation (see Table 17.116.080).	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

17.116.090 Off-street parking—Industrial Activities.

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C, CBD-X, <u>D-CO₂</u> and S-15 zones.	—	No spaces required.
Any other zone.	10,000 square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three (3) employees, whichever requires more spaces.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

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

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C, CBD-X ₂ , <u>D-CO₂</u> and D-LM zones.	-	No spaces required.

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C-45, and S-2 zones.	10,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.
Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.

17.116.110 Special exemptions to parking requirements.

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

- A. Discretionary Reduction for Senior Citizen Housing and Dormitories. In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in Section 17.116.060 may be reduced by not to exceed seventy-five percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:
 - 1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;
 - 2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;
 - 3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.
- B. Discretionary Reduction of Total Requirements with Shared Parking Area. For a joint off-street parking area which serves two or more nonresidential activities in any zone, or Residential Activities in the CN, C-45, -or CBD zones, and which meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities may be reduced by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.

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- C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas. The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the CN, C-45, or CBD zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- D. Each of the following provisions shall apply in the D-BV and D-LM zones only:
1. In-Lieu Fee. The parking space requirements of this section for the D-BV and D-LM zones may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
 2. Narrow Lots. Lots with a mean width of less than fifty (50) feet and fronting Broadway or 27th Street are not required to provide parking on-site unless alternative driveway access is available from an alternative location, such as a shared access driveway from an adjoining parcel or from an alley.
 3. Conversion of Historic Buildings. No additional parking spaces are required for the conversion of a Nonresidential Facility to a Residential Facility or vice versa if the Nonresidential or Residential Facility is either a Potentially Designated Historic Property (PDHP) or a property listed in the City of Oakland's Local Register of Historical Resources (see Policy 3.8 of Historic Preservation Element of the Oakland General Plan). If the number of existing parking spaces on the lot is less than required, then that number of parking spaces must be preserved with the conversion. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required. Parking spaces shall not be further reduced below the requirement unless payment of an in-lieu fee, as set forth in the Master Fee Schedule, to the City of Oakland is provided.
 4. Affordable Housing. Parking requirements applicable to affordable housing for moderate, low, and very low income households, (as defined in California Government Code Section 50052.5 and in Oakland Planning Code Section 17.107.020), shall be one-quarter (1/4) spaces per dwelling unit. In Subsection 17.116.110(A) of this chapter, Senior Citizen Housing and Dormitories requirements apply but do not require a Conditional Use Permit and the reduced parking requirement is one-quarter (1/4) spaces per dwelling unit.

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5. Unbundled Parking. The following rules shall apply to new Multifamily Dwelling Residential Facilities of ten (10) or more units:
 - a. Off-street parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).
 - b. Off-street parking spaces serving affordable units as defined in Section 17.107.020 shall be offered to potential buyers and renters at a price proportional to the sale or rental price of the affordable units as compared to the price proportional to comparable market rate units, except when offered to non-residents pursuant to Subsection (c) below.
 - c. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 day's notice if requested by residents to be made available to them.

6. No Variances. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any required parking; or (b) a reduction and/or elimination of any parking spaces serving any activity, or if already less than currently required parking, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating such parking.

Article III Off-Street Loading Requirements

- 17.116.120 Off-street loading—Residential Activities.
- 17.116.130 Off-street loading—Civic Activities.
- 17.116.140 Off-street loading—Commercial Activities.
- 17.116.150 Off-street loading—Industrial Activities.
- 17.116.160 Off-street loading—Agricultural and Extractive Activities.

17.116.120 Off-street loading—Residential Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for Residential Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied Requirement	Requirement
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Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*
Each additional 300,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

*Off-street loading is not required in CBD-P zone when combined with the S-7 zone.

17.116.130 Off-street loading—Civic Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Civic Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity and Total Floor Area of Facilities Occupied	Requirement
A. Community Assembly Community Education, Nonassembly Cultural, Health Care, or Administrative, occupying the following floor area:	
Less than 50,000 square feet.	No berth required.*
50,000—149,999 square feet.	One (1) berth.*
150,000—299,999 square feet.	Two (2) berths.*
Each additional 100,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
B. Utility and Vehicular or Extensive Impact.	A number of berths to be prescribed by the Director of City Planning pursuant to Section 17.116.040
C. All other Civic Activities.	No berths required.

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

17.116.140 Off-street loading—Commercial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for the specified Commercial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

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Commercial Activity and Total Size of Facilities Occupied	Requirement
<p>A. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, Fast-Food Restaurant, Convenience Market, Alcoholic Beverage Sales, Consumer Service, General Retail Sales, Consumer Cleaning and Repair Service, Group Assembly, Personal Instruction and Improvement and Small Scale Entertainment Business, Communication, and Media Service, Broadcasting and Recording Service, Research Service, General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, Automotive and Other Light Vehicle Repair and Cleaning, Transport and Warehousing, Animal Care, or Animal Boarding occupying facilities with the following floor area:</p>	
<p>Less than 10,000 square feet.</p>	<p>No berths required.*</p>
<p>10,000—24,999 square feet.</p>	<p>One (1) berth.*</p>
<p>25,000—49,999 square feet.</p>	<p>Two (2) berths.*</p>
<p>50,000—99,999 square feet.</p>	<p>Three (3) berths.*</p>
<p>Each additional 120,000 square feet or fraction of one-half or more thereof.</p>	<p>One (1) additional berth.*</p>
<p>B. Mechanical or Electronic Games, Medical Service, Consumer Service, Consultative and Financial Service, Administrative, or Transient Habitation, occupying facilities with the following floor area:</p>	
<p>Less than 50,000 square feet.</p>	<p>No berths required.*</p>
<p>50,000—149,999 square feet.</p>	<p>One (1) additional berth.*</p>
<p>150,000—299,999 square feet.</p>	<p>One (1) berth.*</p>
<p>Each additional 300,000 square feet or fraction of one-half or more thereof.</p>	<p>Two (2) berths. One (1) additional berth.*</p>
<p>C. Undertaking Service, occupying facilities with the following floor area:</p>	
<p>Less than 2,500 square feet.</p>	<p>No berths required.*</p>
<p>2,500—24,999 square feet.</p>	<p>One (1) berth.</p>
<p>25,000—49,999 square feet.</p>	<p>Two (2) berths.*</p>
<p>50,000—99,999 square feet.</p>	<p>Three (3) berths.*</p>
<p>Each additional 120,000 square feet or fraction of one-half or more thereof.</p>	<p>One (1) additional berth.*</p>

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Commercial Activity and Total Size of Facilities Occupied	Requirement
D. Scrap Operation, occupying facilities with the following amounts of floor area and outdoor storage, processing, or sales area:	
Less than 25,000 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 120,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*
E. All other Commercial Activities.	No berths required.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

17.116.150 Off-street loading—Industrial Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, the following amounts of off-street loading are required in all zones for all Industrial Activities when occupying facilities of the indicated sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Total Floor Area of Facilities Occupied	Requirement
Less than 10,000 square feet.	No berths required.*
10,000—24,999 square feet.	One (1) berth.*
25,000—49,999 square feet.	Two (2) berths.*
50,000—99,999 square feet.	Three (3) berths.*
Each additional 170,000 square feet or fraction of one-half or more thereof.	One (1) additional berth.*

*Off-street loading is not required in the CBD-P zone when combined with the S-7 zone.

17.116.160 Off-street loading—Agricultural and Extractive Activities.

Off-street loading is not required in any zone for Agricultural or Extractive Activities.

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Article IV Standards for Required Parking and Loading Facilities

- 17.116.170 Property on which parking and loading must be provided.
- 17.116.175 Standards and criteria for accessory parking that serves a prohibited activity.
- 17.116.180 Conditions for off-street parking or loading.
- 17.116.190 Utilization of off-street parking and loading facilities.
- 17.116.200 Parking space dimensions.
- 17.116.210 Driveways and maneuvering aisles for parking.
- 17.116.220 Loading berth dimensions.
- 17.116.230 Driveways and maneuvering aisles for loading.
- 17.116.240 Tandem spaces and berths.
- 17.116.250 Maximum backing distance.
- 17.116.260 Surfacing and grade of parking and loading facilities.
- 17.116.270 Screening and setback of parking and loading areas.
- 17.116.280 Control on artificial illumination of parking and loading facilities.
- 17.116.290 Special requirements applying in some zones.
- 17.116.300 Parking accommodation requirements for one- and two-family residential facilities.

17.116.170 Property on which parking and loading must be provided.

- A. Parking Spaces and Loading. Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity.	CN, C-45, CBD-R, CBD-P, CBD-C, CBD-X, <u>D-CO</u> , and D-LM zones.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.

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Required Facility and Activity it Serves	Zone	Location
Industrial	Any other zone.	<p>On the same lot as the activity served, but for One- and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):</p> <ol style="list-style-type: none"> 1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk; 2. The parking stalls shall be set back a minimum of five (5) feet from the edge of street pavement including any curbs or sidewalks; and 3. The parking stalls extending into the street right-of-way shall not constitute more than fifty percent (50%) of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for Residential Activities in the <u>D-CO</u> , <u>D-LM</u> , <u>CBD</u> , <u>CN</u> , and <u>C-45</u> zones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

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- B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in subsection A of this section for required spaces or berths serving the same activity, except as follows:
1. A required driveway may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.
 2. A required maneuvering aisle or portion thereof may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.
- C. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure, and subject to the provisions of Section 17.102.090 and Section 17.116.180, any required driveway or maneuvering aisle may be located entirely on another lot or lots in separate ownership.

17.116.175 Standards and criteria for accessory parking that serves a prohibited activity.

The following regulations shall apply to parking serving principal activities which are not themselves permitted, wherever such parking is listed in the applicable individual zone regulations as permitted or conditionally permitted. Approval of a permit for such accessory parking is subject to the conditions set forth in this Section:

- A. General Conditions. In all zones, such parking facilities shall be used for accessory parking only, with no sales, dead storage, repair work, dismantling, or servicing of any kind.
- B. Conditions in Residential Zones. In all residential zones:
 1. Such parking shall not in any case be located farther than one hundred fifty (150) feet, excluding the width of any intervening street, from the nearest boundary of any nonresidential zone, as measured perpendicularly from said boundary at any point; and
 2. Such parking shall not be so located as to extend along any one side of any street farther into any residential zone than any residentially zoned lot which is in separate ownership and which has frontage on the same side of the same street as said parking, other than a lot developed only for parking; and
 3. Such parking facilities shall be open only; and
 4. All Signs serving such parking shall be subject to the limitations set forth in Subsection 17.104.010.G.3.

17.116.180 Conditions for off-street parking or loading.

Whenever, pursuant to Section 17.116.170, any required off-street parking or loading facilities are located on a lot other than the lot containing the activity served, the owner or owners of both lots shall prepare and execute to the satisfaction of the City Attorney, and file with the Alameda County Recorder, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of said activity.

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(Prior planning code § 7536)

17.116.190 Utilization of off-street parking and loading facilities.

Facilities which are intended to meet the off-street parking and loading requirements of the zoning regulations shall be made permanently available to, and maintained so as to permit utilization by, the residents, shoppers, employees, or other participants in, or the loading operations of, the activity or activities served, except as otherwise provided in Section 17.116.290B. No area may be utilized and counted both as a required parking space and a required loading berth. However, maneuvering aisles and driveways may serve both required parking spaces and loading berths if they meet the requirements specified hereafter for both parking and loading facilities.

17.116.200 Parking space dimensions.

(See illustration I-21.) The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210. Compact and intermediate parking spaces shall count toward the off-street parking requirements only if located on a lot containing a total of three or more required spaces. On such a lot, up to fifty percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five or more parking spaces are required, up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces.

- A. Regular Parking Spaces. A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet (8½) wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. (See subsection D for exceptions to this two (2) foot requirement). For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.
- B. Intermediate Parking Spaces. An intermediate parking space shall be not less than sixteen and one-half (16½) feet long and eight (8) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. See subsection D for exceptions to this two (2) foot requirement. For parallel parking, an intermediate parking space shall be not less than twenty and one-half (20½) feet long and seven and one-half (7½) feet wide.
- C. Compact Parking Spaces. A compact parking space shall be not less than fifteen (15) feet long and seven and one-half (7½) feet wide for all parking patterns except parallel

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parking. However, where one or both of the long sides of a compact parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. (See subsection D for exceptions to this two (2) foot requirement). For parallel parking, a compact parking space shall be not less than nineteen (19) feet long and seven (7) feet wide.

- D. Posts and Other Obstructions. Posts and other similar structural members may be located immediately adjacent to a required parking space, provided that:
1. Such required parking space is a regular space or, if the City Traffic Engineer determines that sufficient maneuvering area is present, an intermediate or compact space; and
 2. Such post or other similar structural member is located at least three (3) feet but not more than five (5) feet from the maneuvering aisle or located not more than four (4) feet from the end of the parking space opposite the maneuvering aisle; and
 3. Such post or other similar structural member does not impede pedestrian access to vehicle parking in the space; and
 4. Such posts and other similar structural members shall be located on one side only of a required parking space.

17.116.210 Driveways and maneuvering aisles for parking.

Where necessary, maneuvering aisles and driveways shall be provided of such design and arrangement as to provide adequate ingress to and egress from all required parking spaces. (See also Sections 17.94.070, 17.94.080, 17.116.240, 17.116.250, and 17.116.260.) Except within the S-12 residential parking combining zone, where the provisions of Section 17.94.080 shall apply, and for shared access facilities, where the provisions of Section 17.102.090 shall apply, an onsite driveway serving any required off-street parking area shall have a minimum width of nine feet. Driveways serving Residential Facilities with one or two living units on one lot shall be not more than nineteen (19) feet in width with a curb cut no more than nineteen (19) feet in width, and shall be limited to one driveway and one driveway curb cut per lot frontage. Driveways serving one lot or serving any of several adjacent lots under the same ownership shall be separated edge-to-edge by at least twenty-five (25) feet; where curbs exist, the separation shall be by at least twenty-five (25) feet of full vertical curb. Driveways serving adjacent lots under different ownership shall be separated edge-to-edge by at least ten (10) feet; where curbs exist, the separation shall be by at least ten feet of full vertical curb.

- A. Maneuvering Aisle Width. Except for activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.070 shall apply, maneuvering aisles necessary for access into and out of required parking spaces shall have the following minimum widths, whether serving regular, intermediate, or compact parking spaces:
1. Where parking is parallel: eleven (11) feet;
 2. Where parking is at an angle of forty-five (45) degrees or less: twelve (12) feet;

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3. Where parking is at an angle of sixty (60) degrees or less but more than forty-five (45) degrees: fifteen (15) feet;
4. Where parking is at an angle of seventy-five (75) degrees or less but more than sixty (60) degrees: eighteen (18) feet;
5. Where parking is at an angle of ninety (90) degrees or less but more than seventy-five (75) degrees: twenty-one (21) feet.

17.116.220 Loading berth dimensions.

All required loading berths shall have the minimum dimensions set forth below when serving the indicated activities; provided that where one or both of the long sides of a berth which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other similar obstruction, each of the widths specified below shall be increased by three (3) feet. However, the minimum height or length of a required berth may in any case be reduced upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such smaller dimensions are ample for the size and type of trucks or goods which foreseeably will be involved in the loading operations of the activity served.

- A. For all Industrial Activities and for General Wholesale Sales, Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, Automobile and Other Light Vehicle Gas Station and Servicing, forty-five (45) feet long, twelve (12) feet wide, and fourteen (14) feet high;
- B. For Undertaking Service Commercial Activities: twenty-five (25) feet long, ten (10) feet wide, and eight (8) feet high;
- C. For all other activities for which loading facilities are required: thirty-three (33) feet long, twelve (12) feet wide, and fourteen (14) feet high.

17.116.230 Driveways and maneuvering aisles for loading.

Where necessary, maneuvering aisles and driveways shall be provided of such design and arrangement as to allow efficient utilization of all required loading berths by motor vehicles of the types typically employed by the activities served. (See also Sections 17.116.240, 17.116.250, and 17.116.260.)

17.116.240 Tandem spaces and berths.

(See illustration I-21.) A vehicle shall not have to cross another loading berth, or a parking space, in order to gain access to any required loading berth. On any lot containing three (3) or more required off-street parking spaces, or containing required spaces for two (2) or more residential living units, a vehicle shall not have to cross another parking space, or a loading berth, in order to gain access to a required parking space, except that:

- A. In the S-11 zone, with the provision of three (3) or more required parking spaces for a given dwelling unit, at least fifty percent (50%) of the vehicles shall not have to cross another parking space in order to gain access to a required parking space.

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- B. In the S-12 zone, tandem parking may be permitted for One-Family Dwelling, One-Family Dwelling with Secondary Unit, Two-Family Dwelling, and Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060
- C. In the RH, RD, RM-1, and RM-2 zones, except in the West Oakland Specific Plan Area as indicated in Subsection D or when combined with the S-11 or S-12 zones, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed five hundred (500) square feet.
- D. In the West Oakland Specific Plan Area, tandem parking may be permitted for one of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed the maximum allowed in Section 17.103.080.
- E. In any zone, tandem parking may be permitted for nonresidential activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:
 - 1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;
 - 2. That there are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.
- F. Tandem parking spaces may be provided for Residential Care Residential Activities pursuant to the provisions of Section 17.116.060B.

17.116.250 Maximum backing distance.

All required off-street parking facilities which are located on any lot containing three or more required parking spaces or containing required spaces for two or more Residential living units, and all required off-street loading facilities on any lot, shall be so designed and located that a vehicle need not back up from any such required parking space or loading berth for a distance greater than one hundred (100) feet in order to reach a street. The one hundred (100) feet shall be measured from the back of the furthest required parking space to the back of the sidewalk or, if there is no sidewalk, to the edge of pavement or face of curb, whichever is applicable.

17.116.260 Surfacing and grade of parking and loading facilities.

- A. Slopes. The maximum slope of any required maneuvering aisle, parking space, or loading berth shall be ten percent (10%). The maximum slope of any required driveway shall be twenty-five percent (25%). For all driveways, extending from streets without curbs, gutters or sidewalks, the first five (5) feet of the driveway shall be level with the edge of the pavement. For driveways less than fifteen (15) feet in length, the maximum slope for other than the first five (5) feet shall be ten percent (10%). For driveways fifteen (15) feet or more in length but less than twenty-five (25) feet, the maximum slope for the first ten (10) feet of driveway beyond the level portion shall be ten percent (10%) and the maximum slope of the remainder shall be fifteen percent (15%). For driveways twenty-five (25) feet or more in

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length, the maximum slope for the first ten (10) feet of driveway beyond the level portion shall be ten percent (10%), the maximum slope for the final ten (10) feet shall be fifteen percent (15%), and the maximum slope for the portion between shall be twenty-five percent (25%). For downslope driveways leading to garages, the final two (2) feet shall be level or upslope not exceeding five percent (5%).

- B. Surfacing. All required parking and loading facilities shall have a durable, dustless, all-weather surface; shall have satisfactory disposal of surface waters by grading and drainage; and shall be permanently maintained in good condition. All driveways with a slope of twenty percent (20%) or more shall have a serrated concrete surface or other surface providing a similar level of traction.
- C. Design for Runoff. All required off-street parking facilities located on any lot containing three (3) or more required spaces, and all required off-street loading facilities on any lot, shall be so designed that surface water will not drain over any sidewalk.
- D. For all other activities for which loading facilities are required: thirty-three (33) feet long, twelve (12) feet wide, and fourteen (14) feet high.

17.116.270 Screening and setback of parking and loading areas.

- A. Residential or S-1, S-2, S-3 or OS Zone. In all residential zones and in the S-1, S-2, S-3 and OS zones, all open off-street parking areas on any lot containing three (3) or more spaces, and all open off-street loading areas on any lot, shall be screened from abutting lots, except where a maneuvering aisle is shared with the abutting lot in the manner described in Section 17.116.170(B)(2), by dense landscaping not less than five and one-half (5½) feet high and not less than three (3) feet wide or by a solid lumber or masonry fence or wall not less than five and one-half (5½) feet high, subject to the standards for required landscaping and screening in Chapter 17.124 and the exceptions stated in said chapter. All such areas shall be screened from all abutting streets, alleys, and paths, and private streets and other ways described in Section 17.106.020, by dense landscaping not less than three and one-half (3½) feet high and not less than three (3) feet wide or by a solid or grille, lumber or masonry fence or wall not less than three and one-half (3½) feet high, subject to the standards for required landscaping and screening and the exceptions stated therein. No unroofed parking space or loading berth on such lots shall be located within five (5) feet from any street line or alley, except as allowed by Section 17.116.170
- B. Commercial or Industrial Zone. (See illustration I-17). Off-street parking and loading facilities shall be screened, and restricted in their location on a lot, when and as prescribed in Sections 17.110.030 and 17.110.040 of the buffering regulations or in the applicable individual zone regulations or development control maps.

17.116.280 Control on artificial illumination of parking and loading facilities.

In all residential zones and in the S-1, S-2, S-3 and OS zones, artificial illumination of all off-street parking areas located on any lot containing three (3) or more parking spaces and all off-street loading areas on any lot, and of driveways related thereto, shall be nonflashing and shall be directed away from all abutting lots and from any on-site residential living units so as to eliminate objectionable glare. In commercial and industrial zones, artificial illumination of off-

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street parking and loading facilities shall be controlled when and as specified in Section 17.110.030 of the buffering regulations.

17.116.290 Special requirements applying in some zones.

A. Whenever required off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a conditional use permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for required parking and loading.

B. In the S-15 and D-CO-1 zones:

1. Location of Parking. All off-street parking may be provided anywhere on the lot, or on a separate lot which is not in common ownership with the subject lot, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.
2. Parking Serving Nonresidential Uses. Off-street parking serving nonresidential uses may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.
3. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and Section 17.100.100.
4. Provisions for Shared Parking. Off-street parking may be shared amongst daytime activities between the hours of business operation and between the hours of nighttime activities. The number of required parking spaces for daytime use may be transferable to required parking or nighttime use, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.
5. Exceptions to Parking Requirement. The number of parking spaces provided may exceed the number required upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134.

C. In the RU-4, RU-5, CN, CC, CR, CBD, D-CO-1, or S-15 zones, the required number of parking spaces may be reduced by up to fifty percent (50%) upon the granting of a conditional use permit (see Chapter 17.134). The conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and the following criterion: The Planning Director has determined that there will not be a significant parking impact on the surrounding neighborhood through a combination of a parking demand management plan, transit availability, and other factors.

17.116.300 Parking accommodation requirements for one- and two-family residential facilities.

The provisions of this section apply to lots containing One-Family Dwelling Residential Facilities, One-Family Dwelling Residential Facilities with Secondary Unit Residential Facilities,

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and Two-Family Dwelling Residential Facilities. Exceptions to the provisions of this section may be approved pursuant to the regular design review procedure in Chapter 17.136.

- A. Required Garage, Carport or Uncovered Parking Location to the Side or Rear of a Residence in Certain Cases. Garages, carports or any uncovered required parking spaces shall be located to the rear or side of any primary Residential Facility and at a minimum of twenty-five (25) feet from the front lot line if:
1. At least sixty percent (60%) of the buildings in the immediate context have garages, carports and uncovered required parking located at a depth of at least twenty-five (25) feet from the front lot line; and
 2. On the lot being developed, the difference in elevation of existing grade between the midpoint of the front lot line and the farthest opposite point of the lot depth does not exceed a gradient of twenty percent (20%).

The immediate context shall consist of the five closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street; however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any approval of any required garage, carport, or uncovered parking space. Lots with a front lot line width of less than thirty-five (35) feet are exempt from this subsection if the garage, carport or uncovered parking space dimensions facing the front lot line equal less than fifty (50) percent of the building elevation facing the front lot line.

- B. Garage or Carport Recessed from Front of Residence in Certain Cases. When an attached or detached garage or carport is not subject to subsection A of this section and is located on lots with a street-to-setback gradient of twenty percent (20%) or less and where the face of the primary Residential Facility, including projections at least eight (8) feet in height and five (5) feet in width, such as covered porches and bay windows, is within twenty-five (25) feet of the front lot line, at least one of the following requirements shall apply:
1. The front of the garage or carport shall be set back a minimum of five (5) feet from such face; or
 2. If the garage or carport is located below living space, either:
 - a. The front of the garage or carport shall be set back at least eighteen (18) inches from the upper level living space; or
 - b. The garage door shall be recessed at least six inches from the surrounding exterior wall surfaces.
- C. Maximum Widths of Garages and Carports. Garages and carports shall have a maximum width of twenty-two (22) feet if the front of the garage or carport is located within thirty (30) feet of a street line and shall have a maximum width of thirty (30) feet if located elsewhere. In addition, all attached garages and carports shall have a maximum width not to exceed fifty percent (50%) of the total width of the primary Residential Facility if the front of the garage or carport is located within thirty (30) feet of a street line.
- D. Parking Restricted to Garages, Carports, Uncovered Required Parking Spaces or Driveways. Parking on a lot containing primary Residential Facilities may take place only in garages, carports, uncovered required parking spaces, or approved driveways.

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Chapter 17.120 PERFORMANCE STANDARDS

Sections:

- 17.120.010 Title, purpose, and applicability.
- 17.120.020 Existing activities.
- 17.120.030 Proof of compliance.
- 17.120.040 Measurements.
- 17.120.050 Noise.
- 17.120.060 Vibration.
- 17.120.070 Smoke.
- 17.120.080 Particulate matter and air contaminants.
- 17.120.090 Odor.
- 17.120.110 Humidity, heat, cold, and glare.
- 17.120.120 Electrical disturbance.

17.120.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of all activities. These standards shall apply to the indicated activities in the zones and situations specified herein.

17.120.020 Existing activities.

Activities existing on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto applying more restrictive performance standards to such activities, shall not be required to change their operations to comply with the performance standards. However, their operations shall not be so changed as to result in a greater degree of nonconformity with respect to such standards, except as otherwise authorized under the development agreement procedure in Chapter 17.138. For existing activities meeting the definition specified in Section 17.114.080C., an expansion greater than twenty percent (20%) of production (e.g. non-administrative) floor area is one example of a change in operations that shall be considered an increase in the degree of nonconformity.

17.120.030 Proof of compliance.

The Director of City Planning may require the applicant for a building permit or business license to submit such information with respect to proposed machinery, processes, products, or environmental effects as may be necessary to demonstrate the ability of the proposed activities to comply with applicable performance standards. Such required information may include

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reports to expert consultants. Any such requirement, and any determination by the Director as to sufficiency of proof, may be appealed pursuant to the administrative appeal procedure in Chapter 17.132.

17.120.040 Measurements.

When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with accepted engineering practice.

17.120.050 Noise.

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in subsection A, B, or C as modified where applicable by the adjustments indicated in subsection D or E. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

- A. Residential Zone Noise Level Standards. The maximum allowable noise levels received by any residential zone are described in Table 17.120.01.

Table 17.120.01 establishes the maximum allowable receiving noise levels:

TABLE 17.120.01

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC

Cumulative Number of Minutes in Either the Daytime or Night time One Hour Time Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

- B. Commercial Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Commercial Zone (including the Housing and Business Mix (HBX) Zones, and the Central Estuary District D-CE-3 and D-CE-4 Zones) are described in Table 17.120.02.

Table 17.120.02 establishes the maximum allowable receiving noise levels:

TABLE 17.120.02

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS

Cumulative Number of Minutes in Either the Daytime or Nighttime One Hour Time Period	Anytime
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20	65
10	70
5	75
1	80
0	85

- C. Industrial, Agricultural and Extractive Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Industrial Zone are described in Table 17.120.03.

Table 17.120.03 establishes the maximum allowable receiving noise levels:

TABLE 17.120.03

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA

Cumulative Number of Minutes in Any One Hour Time Period	Anytime
20	70
10	75
5	80
1	85
0	90

- D. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.
- E. Each of the noise level standards specified above in subsections A, B, and C shall be reduced by five dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.
- F. Noise Measurement Procedures. Utilizing the "A" weighing scale of the sound level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver's property. In general, the microphone shall be located four (4) to five (5) feet above the ground; ten (10) feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit. The measurements shall be made at a point at least four (4) feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration.

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- G. Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.
1. The daytime noise level received by any residential, commercial, or industrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten (10) days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten (10) days or more) shall not exceed the maximum allowable receiving noise levels described in Table 17.120.04.

Table 17.120.04 establishes the maximum allowable receiving noise levels:

**TABLE 17.120.04
MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, dBA**

	Daily 7 a.m. to 7 p.m.	Weekends 9 a.m. to 8 p.m.
Short-Term Operation		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation		
Residential	65	55
Commercial, Industrial	70	60

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven (7) p.m. and seven (7) a.m. or between eight (8) p.m. and nine (9) a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this section.
- H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA, with the exception that systems installed prior to the effective date of this section shall not exceed fifty-five (55) dBA.
- I. Commercial Refrigeration Units. Stationary and mobile commercial refrigeration units shall not produce a noise level greater than the noise level standards set forth in this section. Between the hours of ten (10) p.m. and seven (7) a.m., a mobile refrigeration unit shall not be located within two hundred (200) feet of any residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.
- J. Commercial Exhaust Systems. Unnecessary noise caused by exhaust from ventilation units, or other air control device shall not produce a noise level greater than the noise level standards set forth in this section between the hours of ten p.m. and seven a.m. and shall not be located within two hundred (200) feet of any residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

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17.120.060 Vibration.

All activities, except those located within the M-40 Zone, the D-CE-1, D-CE-2, D-CE-5, or D-CE-6 Zones, or in the D-CO, IG, M-30, or CIX Zones more than four hundred (400) feet from any Residential Zone boundary, shall be so operated as not to create a vibration which is perceptible without instruments by the average person at or beyond any lot line of the lot containing such activities. Ground vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard.

17.120.070 Smoke.

All Commercial and Industrial Activities located in a Residential Zone or in any HBX, D-CO, D-CE, CIX, or M Zone shall be so operated as not to emit visible smoke as dark as Ringelmann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringelmann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time.

17.120.080 Particulate matter and air contaminants.

All Commercial and Industrial Activities which are located in a Residential Zone or the M-20, S-3, CIX, HBX, D-CO, D-CE-3, or D-CE-4 Zones, or which are located in the D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, IG, or IO Zones within four hundred (400) feet of any boundary of a Residential Zone, shall be so operated as not to emit particulate matter or air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities.

17.120.090 Odor.

When located in the zones specified below, all Commercial and Industrial Activities shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the following point of determination described in Table 17.120.05. Table 17.120.05 establishes the maximum allowable receiving noise level standards.

Table 17.120.05: Points of Determination for Odor

Zone in Which Activities are Located	Point of Determination
Any Residential Zone, M-20, S-3, the HBX Zones, D-CE-3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zone.	At or beyond any lot line of the lot containing the activities.
<u>D-CO</u> , D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, CIX-2, IG or IO Zones if within four hundred (400) feet of any boundary of a Residential Zone.	At or beyond any boundary of a Residential Zone.

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17.120.110 Humidity, heat, cold, and glare.

When located in the zones specified below, all Commercial and Industrial Activities shall be so operated as not to produce humidity, heat, cold, or glare which is perceptible without instruments by the average person at the points of determination described in Table 17.120.06. Table 17.120.06 establishes the maximum allowable receiving noise level standards.

Table 17.120.06: Points of Determination for Humidity, Heat, Cold and Glare

Zone in Which Activities are Located	Point of Determination
Any Residential Zone, M-20, S-3, HBX Zones, D-CE 3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones.	At or beyond any lot line of the lot containing the activities.
<u>D-CO</u> , D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, CIX-2, IG or IO Zones if within four hundred (400) feet of any boundary of a Residential Zone.	At or beyond any boundary of a Residential Zone.

17.120.120 Electrical disturbance.

All Commercial and Industrial Activities located in a Residential Zone or the M-20, S-3, HBX, D-CE-3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zone, or located in the D-CO, D-CE-1, D-CE-2, D-CE-5, D-CE-6, CIX-2, IG, M-30, or M-40 Zones and within four hundred (400) feet of any boundary of a Residential Zone, shall be so operated as not to cause electrical disturbance adversely affecting the operation of any equipment on any other lot.

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Chapter 17.128 TELECOMMUNICATIONS REGULATIONS

Sections:

- 17.128.010 Title, purpose, and applicability.
- 17.128.020 Exclusions.
- 17.128.025 Restrictions on telecommunications facilities.
- 17.128.030 Removal of telecommunications facilities.
- 17.128.040 Supplemental definitions.
- 17.128.050 Micro Facilities.
- 17.128.060 Mini Facilities.
- 17.128.070 Macro Facilities.
- 17.128.080 Monopoles.
- 17.128.090 Towers.
- 17.128.100 Regulations apply to parks and other similar open spaces.
- 17.128.110 Site location preferences.
- 17.128.120 Site design preferences.
- 17.128.130 Radio frequency emissions standards.

17.128.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the telecommunications regulations. The purpose and intent of these regulations are to provide a uniform and comprehensive set of standards for the development, location, siting and installation of wireless facilities. These regulations are intended to balance the needs of wireless communications providers, the regulatory functions of the City of Oakland, the mandates of State and Federal law and the potential impacts on the community and neighboring property owners in the design and siting of wireless facilities. The regulations are designed to promote and protect the public health, safety and welfare and the visual quality of the City of Oakland while encouraging the appropriate development of telecommunications activities throughout the city. These regulations shall apply to telecommunications projects.

17.128.020 Exclusions.

The following activities shall be exempt from these regulations:

- A. Ham radio operators;
- B. Microwave dishes;

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- C. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance. Minor modifications are those modifications to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this document;
- D. Antennas and equipment cabinets or rooms completely located inside of structures and whose purpose is to enhance communications within the structures.

17.128.025 Restrictions on telecommunications facilities.

- A. Any Telecommunications Facility shall not be permitted in, or within one hundred (100) feet of the boundary of, any residential zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- B. Any Monopole Telecommunications Facilities shall not be permitted in, or within three hundred (300) feet of the boundary of, any residential zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- C. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential zones RH-1 through RU-1 inclusive, any HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.128.030 Removal of telecommunications facilities.

The project sponsor of a proposed telecommunications facility shall be required to provide proof of the establishment of a sinking fund to cover the cost of removing the facility if it is abandoned within a prescribed period. As used in these provisions, the word "abandoned" shall mean a facility that has not been operational for a consecutive six-month period, except where nonoperation is the result of maintenance or renovation activity pursuant to valid city permits. The sinking fund shall be established to cover a two-year period, at a financial institution approved by the city's Office of Budget and Finance. The sinking fund payment shall be determined by the Office of Budget and Finance and shall be adequate to defray expenses associated with the removal of the telecommunications facility.

17.128.040 Supplemental definitions.

In addition to the terms defined in Chapter 17.09, the following specific definitions shall apply in reviewing applications under the telecommunications regulations:

"Antenna" means any system of poles, panels, rods, or similar devices used for the transmission or reception of radio frequency signals.

1. "Omni-directional antenna" transmits and/or receives radio frequency signals in a three hundred sixty (360) degree radial pattern. For the purpose of this document, an omni-directional antenna is up to fifteen (15) feet in height and up to four inches in diameter.

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2. "Directional antenna" (also known as a "panel" antenna) transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.
3. "Parabolic antenna" (also known as a dish antenna) means a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

"Attached wireless communication facility" means a wireless communication facility that is affixed to an existing structure which is not considered a component of the attached wireless communications facility.

"Collocation" exists when more than one wireless communications provider mounts equipment on a single support structure.

"Concealed from view" or "concealed from view" means that no part of the antenna, the means by which the antenna is attached to a building or structure or the cabinets or structure containing the radio or other related equipment used to operate the site may be visible from the adjacent public right-of-way within three hundred (300) feet of the antenna.

"Equipment cabinet" means a cabinet or other enclosure not housed in a separate building and used to house equipment used by telecommunications providers at a facility.

"Equipment shelter" means a building used to house equipment used by telecommunications providers at a facility.

"Ground Post Facility" means an antenna facility consisting of multiple posts mounted on the ground upon which sit antennas. If the height is up to seventeen (17) feet, it is treated as a Macro Facility and if over seventeen (17) feet, it is treated as a Monopole.

"Related equipment" means all equipment ancillary to the transmissions and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

"Wireless communication facility" means an unstaffed facility for the transmission and reception of low-power radio signals.

17.128.050 Micro Facilities.

A. General Development Standards for Micro Facilities.

1. The Micro Facilities shall be located on existing buildings, poles or other existing support structures.
2. Antennas may not project more than one (1) foot above the top of the structure and there may be no more than six (6) antennas per site. Antennas are exempt from the height limitation of the zone in which they are located. Structures which are nonconforming with respect to height, may be used for omni directional antennas providing they do not exceed four (4) feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
3. The equipment cabinet must be concealed from public view or placed underground. The cabinet must be regularly maintained.

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4. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.
- B. Design Review Criteria for Micro Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
1. Antennas should be painted and/or textured to match the existing structure.
 2. Antennas mounted on architecturally significant structures or significant architectural details of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.
 3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
 4. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.
- C. Conditional Use Permit Criteria for Micro Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
1. The project must be demonstrated to have no visual impact.
 2. The project must meet the special design review criteria listed in Subsection B of this section.

17.128.060 Mini Facilities.

- A. General Development Standards for Mini Facilities.
1. The Mini Facilities shall be located on existing buildings, poles or other existing support structures.
 2. The equipment cabinet(s) must be concealed from public view or placed underground. The cabinet must be regularly maintained.
 3. Mini Facilities may exceed the height limitation specified for all zones but may not exceed fifteen (15) feet above the roof line or parapet. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 4. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.
- B. Design Review Criteria for Mini Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
1. Antennas should be painted and/or textured to match the existing structure.

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2. Antennas mounted on architecturally significant structures or significant architectural details of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.
 3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
 4. Equipment cabinets shall be concealed from view or placed underground.
 5. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.
 6. For antennas attached to the roof, maintain a 1:1 ratio (example: ten (10) feet high antenna requires ten (10) feet setback from facade) for equipment setback unless an alternative placement would reduce visual impact; treat or screen the antennas to match existing air conditioning units, stairs, elevator towers, or other background; avoid placing roof mounted antennas in direct line with significant view corridors.
- C. Conditional Use Permit Criteria for Mini Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
1. The project must meet the special design review criteria listed in Subsection B of this section.
 2. The proposed project must not disrupt the overall community character.
 3. In the Residential RH, RD, RM, RU-1, or RU-2 Zones, HBX Zones, and in the D-CE-3 and D-CE-4 Zones, the project must not have any visual impact.

17.128.070 Macro Facilities.

- A. General Development Standards for Macro Facilities.
1. The Macro Facilities shall be located on existing buildings, poles or other existing support structures, or shall be post mounted.
 2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
 3. Macro Facilities may exceed the height limitation specified for all zones but may not exceed fifteen (15) feet above the roof line or parapet. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 4. Ground post mounted Macro Facilities must not exceed seventeen (17) feet to the top of the antenna.
 5. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.

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- B. Design Review Criteria for Macro Facilities. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
1. Antennas should be painted and/or textured to match the existing structure.
 2. Antennas mounted on architecturally significant structures or significant architectural detail of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building.
 3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
 4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop or placed underground or inside existing facilities or behind screening fences.
 5. Equipment shelters or cabinets shall be consistent with the general character of the area.
 6. For antennas attached to the roof, maintain a 1:1 ratio (example: ten (10) feet high antenna requires ten (10) feet setback from facade) for equipment setback; screen the antennas to match existing air conditioning units, stairs, or elevator towers; avoid placing roof mounted antennas in direct line with significant view corridors.
 7. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.
- C. Conditional Use Permit Criteria for Macro Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
1. The project must meet the special design review criteria listed in Subsection B of this section.
 2. The proposed project must not disrupt the overall community character.

17.128.080 Monopoles.

- A. General Development Standards for Monopoles.
1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.
 2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.

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3. When a monopole is in a R residential zone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.
 4. In all zones other than the D-CE-5, D-CE-6, IG, CIX-2, and IO Zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to forty-five (45) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).
 5. In the D-CE-5, D-CE-6, CIX-2, and IO Zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to eighty (80) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).
 6. In the IG Zone, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may reach a height of forty-five (45) feet. These facilities may reach a height of eighty (80) feet upon the granting of Regular Design Review approval (see Chapter 17.136 for the Design Review Procedure).
 7. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.
 8. Antennas may not extend more than fifteen (15) feet above their supporting structure.
- B. Design Review Criteria for Monopoles. In addition to the design review criteria listed in Chapter 17.136, the following specific additional criteria must be met when design review is required before an application can be granted:
1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.
 2. Monopoles should not be sited to create visual clutter or negatively affect specific views.
 3. Monopoles shall be screened from the public view wherever possible.
 4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
 5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

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- C. Conditional Use Permit Criteria for Monopoles. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:
1. The project must meet the special design review criteria listed in Subsection B of this section.
 2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable.
 3. The proposed project must not disrupt the overall community character.
 4. If a major conditional use permit is required, the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.
 - a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten (10) days of the Commission request. The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.
 - b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.
 - c. No expert on the panel will be allowed to review any materials or investigate any application without first signing an agreement under penalty of perjury that the expert will keep confidential any and all information learned during the investigation of the application. No personnel currently employed by a telecommunication company are eligible for inclusion on the list.
 - d. An applicant may elect to keep confidential any proprietary information during the expert's investigation. However, if an applicant does so elect to keep confidential various items of proprietary information, that applicant may not introduce the confidential proprietary information for the first time before the Commission in support of the application.
 - e. The Commission shall require that the independent expert prepare the report in a timely fashion so that it will be available to the public prior to any public hearing on the application.
 - f. Should the Commission appoint an independent expert, the expert's fees will be paid by the applicant through the application fee, imposed by the City.

17.128.090 Towers.

- A. General Development Standards for Towers.
1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the

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discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.

2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
 3. When a tower is adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.
 4. Antennas may not extend more than fifteen (15) feet above their supporting structure.
 5. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the FCC.
- B. Design Review Criteria for Towers. In addition to the design review criteria listed in, the following specific additional criteria must be met when design review is required before an application can be granted:
1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact.
 2. Towers should not be sited to create visual clutter or negatively affect specific views.
 3. Towers shall be screened from the public view wherever possible.
 4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
 5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

17.128.100 Regulations apply to parks and other similar open spaces.

Telecommunications Facilities proposed in parks and other similar open spaces land shall be subject to the same regulations as set forth in the nearest R residential zone.

17.128.110 Site location preferences.

New wireless facilities shall generally be located on the following properties or facilities in order of preference:

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- A. Co-located on an existing structure or facility with existing wireless antennas.
- B. City-owned properties or other public or quasi-public facilities.
- C. Existing commercial or industrial structures in non-Rresidential zones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- D. Existing commercial or industrial structures in Rresidential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- E. Other non-residential uses in Rresidential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- F. Residential uses in non-Rresidential zones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- G. Residential uses in Rresidential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.

Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis. Facilities proposing to locate on a D through G ranked preference, inclusive, must submit a site alternatives analysis as part of the required application materials. A site alternatives analysis shall, at a minimum, consist of:

- a. The identification of all A, B and C ranked preference sites within one thousand (1,000) feet of the proposed location. If more than three (3) sites in each preference order exist, the three such closest to the proposed location shall be required.
- b. Written evidence indicating why each such identified alternative can not be used. Such evidence shall be in sufficient detail that independent verification, at the applicant's expense, could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. refusal to lease, inability to provide utilities).

17.128.120 Site design preferences.

New wireless facilities shall generally be designed in the following order of preference:

- A. Building or structure mounted antennas completely concealed from view.
- B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way.
- C. Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure.
- D. Building or structure mounted antennas above roof line visible from public right-of-way.
- E. Monopoles.
- F. Towers.

Facilities designed to meet an A or B ranked preference do not require a site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. A site design alternatives analysis shall, at a minimum, consist of:

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- a. Written evidence indicating why each such higher preference design alternative cannot be used. Such evidence shall be in sufficient detail that independent verification could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. inability to provide utilities, construction or structural impediments).

17.128.130 Radio frequency emissions standards.

The applicant for all wireless facilities, including requests for modifications to existing facilities, shall submit the following verifications:

- a. With the initial application, a RF emissions report, prepared by a licensed professional engineer or other expert, indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.
- b. Prior to commencement of construction, a RF emissions report indicating the baseline RF emissions condition at the proposed site.
- c. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

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Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

Sections:

- 17.134.010 Title, purpose, and applicability.
- 17.134.020 Definition of major and minor conditional use permits.
- 17.134.030 Application.
- 17.134.040 Procedures for consideration.
- 17.134.050 General use permit criteria.
- 17.134.060 Appeal to Planning Commission—Minor conditional use permits.
- 17.134.070 Appeal to Council—Major conditional use permits.
- 17.134.080 Adherence to approved plans.
- 17.134.110 Conditional use permit related to planned unit development or subdivision.
- 17.134.120 Limitation on resubmission.

17.134.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the conditional use permit procedure. The purpose of these provisions is to prescribe the procedure for the accommodation of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. This procedure shall apply to all proposals for which a conditional use permit is required by the zoning regulations.

17.134.020 Definition of major and minor conditional use permits.

- A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:
 - 1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:
 - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;
 - b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, D-CO, or D-LM Zones;
 - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three (3) or more dwelling units in the RM-2 Zone,
 - ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.

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- d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in seven (7) or more living units in the RU or CBD-R Zone.
 - e. Large Scale Developments. Any development which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, D-CO, or D-LM Zone and results in more than one hundred thousand (100,000) square feet of new floor area.
 - f. Projects that request to be considered an exception to standards in the D-LM Height/Bulk/Intensity Areas.
2. Uses. Any project requiring a conditional use permit that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty percent (20%):
- a. Activities:
 - i. Residential Care Residential,
 - ii. Service Enriched Housing Residential,
 - iii. Transitional Housing Residential,
 - iv. Emergency Shelter Residential,
 - v. Extensive Impact Civic,
 - vi. Fast-food Restaurant Commercial,
 - vii. Convenience Market Commercial,
 - viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B,
 - ix. Heavy/High Impact Industrial,
 - x. Small Scale Transfer and Storage Hazardous Waste Management,
 - xi. Industrial Transfer/Storage Hazardous Waste Management,
 - xii. Mining and Quarrying Extractive,
 - xiii. Special Health Care Civic Activities.
 - b. Facilities:
 - i. Drive-Through,
 - ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.
3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:
- a. A project requiring development of an Environmental Impact Report (EIR);
 - b. A single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any Rresidential zone and occupies more than five

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thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;

- c. Off-Street Parking Facilities in the C-40, CBD-P, CBD-C, CBD-X, S-2, and D-LM Zones serving fifty (50) or more vehicles;
 - d. Transient Habitation Commercial Activities in the C-40 and C-45 Zones;
 - e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any Residential or HBX Zone;
 - f. A project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;
 - g. A electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
 - h. A Telecommunications Facility in or within one hundred (100) feet of the boundary of any Residential zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
 - i. A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zone, or the D-CE-3 or D-CE-4 Zone.
- B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this section.

17.134.030 Application.

An application for a conditional use permit shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required to enable the pertinent criteria to be applied to the proposal, and by the fee prescribed in the fee schedule in Chapter 17.150. In the OS Zone, the application shall also include the most recent open space balance calculated pursuant to the net loss provisions at Section 17.135.060, and any additional information deemed necessary by the City Planning Department.

17.134.040 Procedures for consideration.**A. Major Conditional Use Permits.**

1. In All Zones. An application for a major conditional use permit shall be considered by the City Planning Commission which shall hold a public hearing on the application. Notice of the hearing shall be given by posting an enlarged notice on the premises of the subject property involved in the application. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. While the hearing is open, any interested party must enter

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into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to other applicable use permit criteria, and may grant or deny the application for the proposed conditional use permit or require such changes or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The determination of the Commission shall become final ten (10) calendar days after the date of decision unless appealed to the City Council in accordance with Section 17.134.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

2. Alcoholic Beverage Sales Activities in Alcoholic Beverage Sales License Overconcentrated Areas. In addition to following the provisions of Subsection A.1. of this Section, the City Planning Commission shall also determine whether the proposal conforms to the criteria for findings of "Public Convenience and Necessity" set forth in Subsection 17.103.030.B.3.
3. In the OS Zone. Applications for conditional use permits in the OS Zone shall be subject to the special use permit review procedure for the OS Zone established in Chapter 17.135

B. Minor Conditional Use Permits.

1. In All Zones. An application for a minor conditional use permit shall be considered by the Director of City Planning. However, the Director may, at his or her discretion, refer the application to the City Planning Commission for decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in Subsection A. of this Section. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. Notice shall be given by posting an enlarged notice on the premises of the subject property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director. Any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence: (a) to the Director prior to the close of the written public comment period for his or her consideration, or (b) to the Commission while the hearing is open for its consideration, whichever is applicable; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Director shall determine whether the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to other applicable use permit criteria, and may grant or deny the application for the proposed conditional use permit or require

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such changes in the proposed use or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria. The determination of the Director of City Planning shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Section 17.134.060. In those cases which are referred to the Commission by the Planning Director, the decision of the Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.134.070. Any party seeking to appeal the determination will be limited to issues and/or evidence presented (a) to the Director prior to the close of the written public comment period, or (b) to the Commission prior to the close of the Commission's public hearing on the matter, whichever is applicable, in accordance with the above procedures. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

2. In the OS Zone. Applications for conditional use permits in the OS Zone shall be subject to the special use permit review procedure for the OS Zone established in Chapter 17.135
- C. Alternative Notification Procedures. If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in Subsections A. and B. of this Section.

17.134.050 General use permit criteria.

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;
- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;
- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;
- D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050
- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

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- F. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, maximum lot coverage, or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:
1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or
 2. At least sixty percent (60%) of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

17.134.060 Appeal to Planning Commission—Minor conditional use permits.

Within ten (10) calendar days after the date of a decision by the Director of City Planning on an application for a minor conditional use permit, an appeal from said decision may be taken to the City Planning Commission by the applicant or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to the Director of City Planning prior to the close of the written public comment period on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Secretary of the City Planning Commission shall set the date for consideration thereof; which in the case of applications limited to one- or two-unit Residential Facilities, shall be the date of the Committee's next regularly scheduled meeting following the thirtieth day after the appeal is filed. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems

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appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the proposal conforms to the general use permit criteria set forth in Section 17.134.050 and to any other applicable use permit criteria, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The decision of the Commission or, if applicable, the Committee shall be final.

17.134.070 Appeal to Council—Major conditional use permits.

- A. With the exceptions of appeal for adult entertainment activities, appeals to the City Council shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major conditional use permit, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposed use conforms to the applicable use permit criteria, and may grant or deny

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a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final.

B. Appeals to the City Council relating to adult entertainment activities shall be governed by the following:

Within ten (10) calendar days after the date of a decision by the City Planning Commission on an application for a major conditional use permit, an appeal from said decision may be taken to the City Council by the applicant, the permit holder, or any other interested party. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposed use conforms to the applicable special use permit criteria, and shall grant the permit if it determines that all the said criteria are present or require such changes in the proposed use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final. The City Council shall vote on the appeal within thirty (30) days after its first hearing of the appeal and must decide the appeal within sixty (60) days of the appeal being filed.

17.134.080 Adherence to approved plans.

A conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the permit shall terminate one year from the effective date of its granting unless, within such period, all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the

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project may invalidate the conditional use permit approval if such extension period has also expired.

17.134.110 Conditional use permit related to planned unit development or subdivision.

Whenever a conditional use permit is required for a proposal also requiring a planned unit development permit, application for the use permit shall be included in the application for the planned unit development permit and shall be processed and considered as part of same. Whenever a conditional use permit is required within a proposed subdivision, the application for the use permit may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, and may be processed and considered therewith. In either case, however, the reviewing officer or body shall, in considering such a use permit, determine whether the proposal conforms to all the applicable use permit criteria.

17.134.120 Limitation on resubmission.

Whenever an application for a major conditional use permit has been denied by the City Council or denied by the Planning Commission and the applicant fails to file a timely appeal with the City Council, no such application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial. This section shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify a rehearing. Applications for hearing pursuant to this section shall be considered by the Director of City Planning. A determination by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the City Planning Commission shall be final.

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Chapter 17.136 DESIGN REVIEW PROCEDURE

Sections:

- 17.136.010 Title, purpose, and applicability.
- 17.136.020 Application.
- 17.136.025 Exemptions from design review.
- 17.136.030 Small project design review.
- 17.136.035 Small project design review criteria.
- 17.136.038 Special project design review.
- 17.136.040 Regular design review.
- 17.136.050 Regular design review criteria.
- 17.136.055 Special regulations for historic properties in the central business district zones.
- 17.136.060 Review by Landmarks Board in certain cases.
- 17.136.070 Special regulations for designated landmarks.
- 17.136.075 Regulations for demolition or removal of CIX-1A zoned properties, designated historic properties, and potentially designated historic properties.
- 17.136.080 Appeal to Planning Commission—Regular design review.
- 17.136.090 Appeal to City Council—Regular design review.
- 17.136.100 Adherence to approved plans.
- 17.136.120 Design review related to conditional use permit, planned unit development, variance, or subdivision.
- 17.136.130 Limitation on resubmission—Small project design review and Special project design review.

17.136.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the design review procedure. The purpose of these provisions is to prescribe the procedure for the review of proposals located in areas or on sites, or involving uses, which require special design treatment and consideration of relationships to the physical surroundings. This procedure shall apply to all proposals for which design review is required by the zoning regulations.

17.136.020 Application.

- A. Application for Design Review. Application for design review shall be made by the owner of the affected property, or his or her authorized agent, on a form prescribed by the City

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Planning Department and shall be filed with such Department. The application shall be accompanied by such information as may be required to allow applicable criteria to be applied to the proposal, and by the fee prescribed in the city master fee schedule. Such information may include, but is not limited to, site and building plans, elevations, and relationships to adjacent properties.

17.136.025 Exemptions from design review.

- A. Applicability. A proposal will be exempt from design review if it meets each of the provisions set forth below. All such determinations are final and not appealable:
1. The proposal is limited to one or more of the types of work listed as exempt from design review in Section 17.136.025B;
 2. The proposal does not require Regular Design Review, a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. The proposal is determined exempt from the California Environmental Quality Act (CEQA);
 4. All exterior treatments visually match the existing or historical design of the building; and
 5. The proposal will not have a significant effect on the structure's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a structure as representative of its period and contribute to its visual distinction or historical significance.
- 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.
 - a. Projects not requiring a building permit, except if otherwise specified below;
 - b. Repair or replacement of existing building components in a manner that visually matches the existing or historical design of the structure;
 - c. After notice to the Director of City Planning, demolition or removal of either:
 - i) Structures declared to be unsafe by the Building Official or the City Council. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety; or
 - ii) Structures declared to be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties.
 - d. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.103.080
 - e. Floor area additions within the existing building envelope not involving the creation of a dwelling unit;

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- f. Except as otherwise specified in Subsection B.1.g for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D West Oakland Plan Area CIX-Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;
 - g. For Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D West Oakland Plan Area CIX-Zones, cumulative additions over a three (3) year period that are outside the existing building envelope and equal no more than fifty percent (50%) of the total floor area or footprint on site or three thousand (3,000) square feet, whichever is less;
 - h. For Commercial, Civic, or Industrial Facilities and the Non-residential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only be permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;
 - i. Areas of porch, deck or balcony with a surface that is less than thirty (30) inches above finished grade.
2. Signs.
- a. A change of sign face copy or new sign face within an existing Advertisement Sign or a change of sign face copy within Business or Civic Sign structures so long as the structure and framework of the sign remain unchanged and the new sign face duplicates the colors of the original or, in the case of an internally illuminated sign, the letter copy is light in color and the background is dark;
 - b. Installation, alteration or removal of Realty Signs, Development Signs, holiday decorations, displays behind a display window and, except as otherwise provided in Section 17.114.120(C), for mere changes of copy, including cutouts, on Signs which customarily involve periodic changes of copy;
 - c. New or modified Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070
3. Other Projects.
- a. Sidewalk Cafes that have a maximum of five (5) tables and no more than fifteen (15) chairs and/or do not have any permanent structures in the public right of way, pursuant to Section 17.103.090
 - b. Solar Power Production Equipment. The installation of Solar Power Production Equipment is exempt from design review within any zoning district.

17.136.030 Small project design review.

- A. Applicability. "Small Project Design Review" shall apply to proposals that do not qualify for an exemption from design review as set forth in Section 17.136.025, or require Special

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Project Design Review as set forth in Section 17.136.038 or Regular Design Review as either determined by the Director of City Planning or as set forth in Section 17.136.040. "Small Project Design Review" proposals shall meet all of the following provisions:

1. The proposal is limited to one or more of the types of work listed as a "Small Project" in Section 17.136.030(B);
 2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. The proposal is determined exempt from the California Environmental Quality Act (CEQA); and
 4. The proposal will not have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.
- B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:
1. Additions or Alterations.
 - a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;
 - b. Except as otherwise specified in Sections 17.136.025, 17.136.038, and 17.136.040, demolition or removal of structures not involving a Designated Historic Property or Potential Designated Historic Property, on a site where the zoning regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;
 - c. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D West Oakland Plan Area CIX-Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 - d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding nine hundred (900) square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.103.080;
 - e. For commercial, civic, or industrial facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.
 2. Fences, barriers, and similar freestanding walls.

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- a. For Residential Zones and Residential Facilities, any fence, barrier, or similar freestanding wall exceeding forty-two (42) inches in height in the front yard and street-side yards, but not exceeding six (6) feet in height, pursuant to Section 17.108.140;
 - b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, ~~and S-15~~, and D-CO-1 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a Residential zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.
3. Signs.
- a. New or modified Signs, excluding Signs requiring Regular Design Review, Conditional Use Permit or Variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code; and Signs conforming to an approved Master Sign Program, pursuant to Section 17.104.070;
 - b. New or modified awnings or other similar facilities;
 - c. Color changes to Signs, awnings or other similar facilities;
 - d. Installation of flags or banners having any permanent structure within the public right of way, pursuant to the same regulations for sidewalk cafes in Section 17.103.090.B.
- C. Procedures for Consideration—Small Project Design Review. The Director of City Planning may, at his or her discretion, consider an application for small project design review according to the following Three-Track process, or if additional consideration is required, determine that the proposal shall be reviewed according to the regular design review procedure in Section 17.136.040.
- 1. Track One Procedure—Small Project Design Review Proposals Not Involving a Local Register Property; or an Upper-Story Addition requiring the Track Three review procedure pursuant to Subsection C.3.:
 - a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this Section.
 - b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.
 - c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.
 - 2. Track Two Procedure—Small Project Design Review Proposals Involving a Local Register Property:
 - a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposed addition or alteration involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of

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design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposed addition or alteration determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the regular design review procedure in Section 17.136.040. Any proposed addition involving an upper-story addition of more than two hundred fifty (250) square feet in floor area or footprint to a One- or Two-Family Residential Facility or to any Building Facility in the HBX, D-CE-3, or D-CE-4 Zones that is determined eligible for small project design review and to not have a significant effect on the property's character-defining elements, shall be reviewed according to the Track Three procedure in Subsection 17.136.030.C.3.

- b. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035
 - c. The decision by the Director, or his or her designee, shall be final immediately and not appealable.
3. Track Three Procedure—Small Project Design Review Proposals Involving an Upper-Story Addition of More than Two Hundred Fifty (250) Square Feet in Floor Area or Footprint to a One- or Two-Family Residential Facility or an over eight (8) foot increase in the height of any Building Facility in the HBX Zones, not including allowed projections above the height limits listed in Section 17.108.030.
- a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for small project design review as set forth in this section.
 - b. At the time of small project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.
 - c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).
 - d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the

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required noticing period, the Planning Department shall receive and consider comments from any interested party, as well as accept requests for a meeting with City Planning staff.

- e. Decision by the Director of City Planning. Prior to final decision, City Planning staff shall hold a single meeting with interested parties whenever such a meeting request is received in writing by the Planning Department during the small project design review comment period. Following any such meeting with interested parties, the Director, or his or her designee, may approve or disapprove a Track Three proposal determined eligible for small project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable small project design review criteria in Section 17.136.035.
- f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.

17.136.035 Small project design review criteria.

A Small project design review approval shall be granted for proposals that conform to each of the applicable criteria set forth in Subdivisions (1), (2), and (3) below, and if also applicable, to the criteria in Subdivision (4), below:

1. That for Nonresidential Facilities and the nonresidential portions of Mixed Use Development projects, the proposed design conforms with the adopted checklist criteria for nonresidential facilities, as may be amended;
2. That for Residential Facilities with one (1) or two (2) primary dwelling units and the residential portions of Mixed Use Development projects with one (1) or two (2) primary dwelling units, the proposed design conforms with the adopted checklist criteria for facilities with 1-2 primary dwelling units, as may be amended;
3. That for Residential Facilities with three (3) or more living units and the residential portions of Mixed Use Development projects with three (3) or more dwelling units, the proposed design conforms with the adopted checklist criteria for facilities with three (3) or more living units, as may be amended;
4. That for Local Register Properties, the proposed project will not substantially impair the visual, architectural, or historic value of the affected site or facility.

17.136.038 Special project design review.

- A. Applicability. "Special Project Design Review" shall apply to Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D ~~West Oakland Plan Area CIX-Zones~~ that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for design review exemption as set forth in Section 17.136.025 or Small project design review as set forth in Section 17.136.030; or require Regular Design Review as either determined by the Director of City Planning or as set forth in Chapter 17.73.

"Special Project Design Review" proposals shall meet all of the following provisions:

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1. The proposal is limited to one or more of the types of work listed as a "Special Project" in Section 17.136.038(B);
 2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. The proposal is determined exempt from the California Environmental Quality Act (CEQA), and
 4. The proposal does not involve the demolition or removal of structures on a site in the CIX-1A Zone as specified in Section 17.136.075, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080.
- B. Definition of "Special Project". Special Projects are limited to one or more of the following types of work:
1. Cumulative additions to Non-residential Facilities in the D-CO-5, D-CO-6, West Oakland Plan Area CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones over a three (3) year period that are outside the existing building envelope and exceed three thousand (3,000) square feet or fifty percent (50%) of the total floor area or footprint on site, whichever is less;
 2. New construction of principal Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones.
- C. Procedures for Consideration—Special Project Design Review. The Director of City Planning shall consider an application for Special project design review according to the following Two-Track process, or if additional consideration is required, determine that the proposal shall be reviewed instead according to the Regular design review procedure in Section 17.136.040.
1. Track One Procedure—Special Project Design Review Proposals Not Involving a Local Register Property:
 - a. The Director of City Planning, or his or her designee, shall determine whether the proposal meets the requirements for Special project design review as set forth in this section.
 - b. At the time of Special project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.
 - c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).

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- d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party.
 - e. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track One proposal determined eligible for Special project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable Special project design review criteria in Section 17.136.038(D).
 - f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.
2. Track Two Procedure—Special Project Design Review Proposals Involving a Local Register Property:
 - a. The Director of City Planning, in concert with the City of Oakland's Historic Preservation staff, shall determine whether a proposal involving a Local Register Property will have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. Any proposal determined to have a significant effect on a Local Register Property's character-defining elements shall be reviewed instead according to the Regular design review procedure in Section 17.136.040.
 - b. At the time of Special project design review application, the owner of the affected property, or his or her authorized agent, shall obtain from the City Planning Department, a list of names and mailing addresses of all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site; a notice poster to install on the project site; and a Notice to Neighboring Property Owners form which includes the project description and contact information.
 - c. Prior to the subject application being deemed complete, the applicant shall install the notice poster provided at the time of application at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot; and provide by certified mail or delivery to all persons shown on the last available equalized assessment roll as owning the City of Oakland lot or lots adjacent to the project site and directly across the street abutting the project site, a copy of the completed project notice form, as well as a set of reduced plans (consisting of at least a site plan and building elevations that show all proposed exterior work).
 - d. All required posting of the site and notification of adjacent and across the street property owners shall be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application. During the required noticing period, the Planning Department shall receive and consider comments from any interested party.

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- e. Decision by the Director of City Planning. The Director, or his or her designee, may approve or disapprove a Track Two proposal determined eligible for Special project design review and may require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to the applicable Special project design review criteria in Section 17.136.038(D).
 - f. The decision by the Director, or his or her designee, shall be final immediately and not appealable.
- D. Design Review Criteria—Special Project Design Review. A Special project design review approval shall be granted for proposals that conform with the adopted checklist criteria for Non-residential Facilities in the Coliseum Specific Plan Area D-CO-5 and D-CO-6 Zones or West Oakland Specific Plan Area CIX-1A, CIX-1B, CIX-1C and CIX-1D CIX-Zones, as may be amended, based on applicable design review guidelines or criteria which have been adopted by the Planning Commission or City Council as part of the Coliseum Area Specific Plan or the West Oakland Specific Plan.

17.136.040 Regular design review.

- A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025, small project design review as set forth in Section 17.136.030, or special project design review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D West Oakland Plan Area CIX-Zones, projects requiring regular design review include, but are not limited to, the following types of work:
1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, 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;
 2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. New construction of one (1) or two (2) dwelling units, other than a secondary unit;
 4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site;
 5. New construction of principal facilities in the HBX or D-CE Zones;
 6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170); ~~or~~ the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections 17.101E.070 and 17.101E.080); or the creation of any new CIX, IG, or IO work/live unit (see Section 17.73.040). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;

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7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.116.075;
 9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030;
 10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Subsection 17.136.030.B.;
 11. Demolition or removal of any structure, or portion thereof, where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
 12. Demolition or removal of any ~~structure in the CIX-1A Zone~~, Designated Historic Property (DHP), or Potential Designated Historic Property (PDHP), or structure in the CIX-1A Zone pursuant to Section 17.136.075.
- B. Pre-Application Review—Regular Design Review. Prior to application for regular design review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the City representative will provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the City representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.
- C. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning—Decisions Not Ultimately Appealable to City Council.
1. Decision by the Director of City Planning. An application for regular design review that is not referred to the City Planning Commission for initial decision as specified in Section 17.136.040(D) shall be considered by the Director of City Planning.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for decision on the application by the Director. During the required noticing period, the planning department shall receive and consider comments from any interested party.

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3. The Director or the applicant may seek the advice of outside design professionals. Any interested party must enter into the record any issues and/or evidence to the Director prior to the close of the written public comment period for his or her consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.
 4. Finality of Decision. A decision by the Director shall become final ten (10) calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with Section 17.136.080. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Director prior to the close of the written public comment period. In the event that the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Appeals considered by the City Planning Commission or the Commission's Residential Appeals Committee under the procedures specified in Section 17.136.080 shall be final immediately and are not ultimately appealable to the City Council.
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for regular design review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, D-LM, D-CO, or S-15 Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for a hearing before the Commission. During the required noticing period, the planning department shall receive and consider comments from any interested party.
 3. The Planning Commission may seek the advice of outside design professionals. While the hearing is open, any interested party must enter into the record any issues and/or

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oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.

4. **Finality of Decision.** The initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event that the last day of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.
- E. **Alternative Notification Procedures.** If the conditions as set forth in Section 17.130.020 apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections C and D of this section.

17.136.050 Regular design review criteria.

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

- A. **For Residential Facilities.**
 1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;
 2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
 3. That the proposed design will be sensitive to the topography and landscape.
 4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;
 5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.
- B. **For Nonresidential Facilities and Signs.**
 1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design

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which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;
 3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.
- C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 Zone:
1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.
- D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,
1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or
 2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or
 3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.
- E. For Retaining Walls:
1. That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas;
 2. That the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces;
 3. That the retaining wall respects the natural topography, avoiding obvious scars on the land;
 4. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

17.136.055 Special regulations for historic properties in the Central Business District and the Lake Merritt Station Area District zones.

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

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1. Any exterior alteration to a character-defining element of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) that: 1) does not match its exterior historical materials or appearance, and 2) is part of the existing building (not part of any proposed addition) shall be required to meet any applicable criteria in Chapter 17.136 and meet findings (a) and (b), below. The determination of whether a project meets these findings requires consultation with Historic Preservation staff.
 - a. Any replacements of exterior character-defining elements are required because repair is not feasible. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance; and
 - b. Consultation with Historic Preservation staff has determined that any replacement or repair that differs from the original feature is compatible with the character of the building, Area of Primary Importance (API) or Area of Secondary Importance (ASI), if applicable, and retains the character-defining appearance of the feature.
2. Approval of applications for projects in an API that require Regular Design Review approval may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and to the following additional criteria:
 - a. Any proposed new construction is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - b. New street frontage has forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
 - c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API.
 - d. The proposal is consistent with the visual cohesiveness of the API. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results;
 - e. Where height is a character-defining element of the API there are height transitions to any neighboring contributing historic buildings. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. APIs with a character-

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defining height and their character-defining height level are designated on the zoning maps; and

- f. For additions, the proposal meets either: 1) Secretary of Interior's standards for the treatment of historic resources; 2) the proposal will not adversely affect the character of the property or API; or, 3) upon the granting of a conditional use permit, (see Chapter 17.134 for the CUP procedure) and a hearing in front of the Landmarks Preservation Advisory Board for its recommendations, a project meets the additional findings in Subsection g., below.
 - g. For construction of new principal buildings:
 - i. The project will not cause the API to lose its status as an API;
 - ii. The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors; and
 - iii. The proposal contains elements that relate to the character-defining height of the API, if any, through the use of a combination of upper story setbacks, window patterns, change of materials, prominent cornice lines, or other techniques. APIs with a character-defining height and their character-defining height level are designated on the zoning maps.
3. Approval of an application for a project that requires Regular Design Review Approval involving a DHP or PDHP outside of an API may be granted only upon determination that the proposal conforms to any applicable criteria in Chapter 17.136 and either meets each criteria (a), (b), and (c), or only (d), below:
- a. Any proposed new construction is compatible with the existing district and/or building in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - b. The proposal reflects the quality and visual interest of the building and/or ASI, or otherwise enhances the visual interest of the building or ASI;
 - c. The proposal does not disqualify an ASI as an ASI; and
 - d. If a project does not meet either finding (a), (b), or (c), above, approval of applications for projects may still be granted, but only after a hearing in front of the Landmarks Preservation Advisory Board for its recommendations and determination that the proposal meets the following criteria: The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not necessarily limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.
- C. Required Hearings in Front of the Landmarks Preservation Advisory Board (LPAB).
- 1. Prior to project approval, the following projects require a hearing in front of the LPAB for its recommendations and/or advice to the decision making body:
 - a. Any construction of a new principal building in an API;
 - b. An addition to an API contributor when required by Subsection 17.136.055.B.2.f.
 - c. With the exception of additions that are not visible from a street or other public area, projects in an API that would result in a building taller than the character-

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defining height of the district, if any. Districts with a character-defining height and their character-defining height levels are designated on the zoning maps. An addition is considered "visible from a street or other public area" if it is located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area.

- d. New construction or an addition to a building when required by Subsection 17.136.055.B.3.d.
- e. Any proposal involving a Local Register Property that requires Regular Design Review approval.

17.136.060 Review by Landmarks Board in certain cases.

- A. Whenever an application is for regular design review in the S-7 Zone, or on a designated landmark site, the Director of City Planning shall refer the proposal to the Landmarks Preservation Advisory Board for its recommendations.
- B. Whenever an application is for regular design review in the S-20 Zone, and the Director of City Planning determines that a proposed addition or alteration will have a significant effect on the property's character-defining elements that are visible from a street or other public area, the Director may, at his or her discretion, refer the project to the Landmarks Preservation Advisory Board for its recommendations. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. An addition or alteration is normally considered "visible from a street or other public area" if it affects a street face or public face of the facility or is otherwise located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area.

17.136.070 Special regulations for designated landmarks.

- A. Designation. In any zone, the City Council may designate as a landmark any facility, portion thereof, or group of facilities which has special character, interest, or value of any of the types referred to in Section 17.07.030P. The designating ordinance for each landmark shall include a description of the characteristics of the landmark which justify its designation and a clear description of the particular features that should be preserved. Each ordinance shall also include the location and boundaries of a landmark site, which shall be the lot, or other appropriate immediate setting, containing the landmark. Designation of each landmark and landmark site shall be pursuant to the rezoning and law change procedure in Chapter 17.144
- B. Design Review for Construction or Alteration. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Telecommunications Facility, Sign, or other associated structure on any designated landmark site shall be constructed or established, or altered in such a manner as to affect exterior appearance unless plans for the proposal have been approved pursuant to the design review procedure in this Chapter and the applicable provisions of this Section. Furthermore, for a publicly-owned landmark, the designating ordinance may require such approval of proposed changes to major interior architectural features.

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- C. Regular Design Review Criteria. Proposals involving designated landmarks that require regular design review approval may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in Section 17.136.050 and to the additional criteria set forth below in Subdivisions 1, 2 and 3 or to one or both of the criteria set forth in Subdivision 4:
1. That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly-owned landmark, its major interior architectural features;
 2. That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting;
 3. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties;
 4. If the proposal does not conform to the criteria set forth in Subdivisions 1, 2 and 3:
 - i. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or
 - ii. That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.
- D. Duty to Keep in Good Repair. Except as otherwise authorized under Subsections B and C of this section, the owner, lessee, or other person in actual charge of each designated landmark shall keep good repair all of the exterior portions thereof, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion.

17.136.075 Regulations for demolition or removal of CIX-1A zoned properties, designated historic properties, and potentially designated historic properties.

- A. With the exception of structures declared to be a public nuisance by the Building Official or City Council, Regular Design Review of the demolition or removal of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) shall only be approved after the Regular Design Review of a replacement project at the subject site has been approved; however, demolition of nuisance structures must still undergo Regular Design Review for demolition as required by this chapter.
- B. Regular Design Review approval for the demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the City's Preservation Study List that are not in an S-7 or S-20 zone or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the regular design review criteria, all other applicable design review criteria, and the following additional criteria:

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1. The applicant demonstrates that: a) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return, or b) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this finding, a hazard constitutes a threat to health and safety that is not immediate;
 2. If a replacement facility is required by Subsection 17.136.075.A., the design quality of the replacement facility is equal or superior to that of the existing facility; and
 3. It is economically, functionally architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.
- C. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone, or an S-7 or S-20 Zone or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:
1. For the demolition of structures ~~Non-residential Facilities~~ in the West Oakland Plan Area CIX-1A Zone, or contributors to an S-7 or S-20 Zone or API:
 - a. The applicant demonstrates that: i) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generates such return, or ii) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this criterion, a hazard constitutes a threat to health and safety that is not immediate; and
 - b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic structure, or existing structure in the CIX-1A Zone, into the proposed development.
 2. For the demolition of noncontributors to an S-7 Zone, S-20 Zone, or API: The existing structure is either: i) seriously deteriorated or a hazard, or ii) the existing design is undistinguished and does not warrant retention. For this finding, a hazard constitutes a threat to health and safety that is not immediate;
 3. For the demolition of any structure in an S-7 zone, S-20 Zone or API:
 - a. The design quality of the replacement structure is equal/superior to that of the existing structure; and
 - b. The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:
 - i. The replacement project is compatible with the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - ii. New street frontage includes forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;

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- iii. The replacement project provides high visual interest that either reflects the level and quality of visual interest of the district contributors or otherwise enhances the visual interest of the district;
 - iv. If the design contrasts the new to the historic character, the replacement project enriches the historic character of the district;
 - v. The replacement project is consistent with the visual cohesiveness of the district. For the purpose of this item, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When a combination of some of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results; and
 - vi. The replacement project will not cause the district to lose its current historic status.
- D. Regular Design Review Approval for the demolition or removal of any structure rated "C" by the ~~by the~~ Oakland Cultural Heritage Survey or contributes to an Area of Secondary Importance (ASI) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and to either: 1., 2., or 3., below:
- 1. The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
 - 2. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
 - 3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.
- E. For proposals that have received Design Review approval pursuant to this section, the issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for a period not to exceed one hundred twenty (120) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is listed as a Local Register Property, or is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under Section 17.136.070 or for other appropriate action to preserve it. During the period of postponement the Board, the Commission, or the Director shall explore means for preserving or restoring the structure or portion thereof. However, demolition may not be postponed under this section if, after notice to the Director of City Planning, the Building Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council

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determines that immediate demolition is necessary to protect the public health or safety. Any determination made by the Director of City Planning under this section may be appealed pursuant to the administrative appeal procedure in Chapter 17.132.

17.136.080 Appeal to Planning Commission—Regular design review.

Within ten (10) calendar days after the date of initial decision by the Director of City Planning on an application for regular design review under the procedure specified in Subsection 17.136.040.C, an appeal from said decision may be taken to the City Planning Commission by the applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the case of appeals involving one- or two-unit Residential Facilities, the appeal shall be considered by the Commission's Residential Appeals Committee. In the event the last day of appeal falls on a weekend or holiday when City offices are closed, the next date offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the City Planning Department and shall be filed with such Department, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to the Director of City Planning prior to the close of the written public comment period on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of such appeal, the Secretary of the City Planning Commission shall set the time for consideration thereof. Not less than seventeen (17) days prior to the date of the Commission's or Committee's consideration of the appeal, the Secretary shall give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented to the Director of City Planning prior to the close of the written public comment period for the underlying decision being appealed, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Commission or, if applicable, the Committee shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The Commission or, if applicable, the Committee may seek the advice of outside design professionals. The decision of the Commission or, if applicable, the Committee on a proposal being considered under the procedure specified in Subsection 17.136.040.C. shall be final immediately and is not ultimately appealable to the City Council.

17.136.090 Appeal to City Council—Regular design review.

Within ten (10) calendar days after the date of initial decision by the City Planning Commission on an application for regular design review under the procedure specified in Subsection 17.136.040.D, an appeal from said decision may be taken to the City Council by the

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applicant, the Landmarks Preservation Advisory Board, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. No such appeal to the City Council is allowable under the procedure specified in Subsection 17.136.040.C. Such appeal shall be made on a form prescribed by the Commission and shall be filed with the City Clerk, along with the appropriate fees required by the City's Master Fee Schedule. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court. The appeal is not de novo. Upon receipt of the appeal, the Council shall set the date for consideration thereof. After setting the hearing date, the Council, prior to hearing the appeal, may refer the matter back to the Planning Commission for further consideration and advice. Appeals referred to the Planning Commission shall be considered by the Commission at its next available meeting. Any such referral shall be only for the purpose of issue clarification and advice. In all cases, the City Council shall retain jurisdiction and, after receiving the advice of the Planning Commission, shall hold a hearing on and decide the appeal.

The City Clerk shall notify the Secretary of the City Planning Commission of the receipt of said appeal and of the date set for consideration thereof; and said Secretary shall, not less than seventeen (17) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Secretary deems appropriate, of the date and place of the hearing on the appeal. During the hearing on the appeal, the appellant will be limited to issues and/or evidence presented prior to the close of the City Planning Commission's public hearing on the item, in accordance with the above procedures, as the appeal is not de novo. The appellant shall not be permitted to present any other issues and/or evidence (written, oral, or otherwise) during the appeal process. In considering the appeal, the Council shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The decision of the City Council shall be made by resolution and shall be final.

17.136.100 Adherence to approved plans.

A design review approval shall be subject to the plans and other conditions upon the basis of which it was granted. Unless a different termination date is prescribed, the approval shall terminate two (2) years from the effective date of its granting unless all necessary permits for construction, alteration, painting, demolition, or removal, as the case may be, have been issued within such period. However, such period of time may be extended by the original reviewing officer or body, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate the design review approval if such extension period has also expired.

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17.136.120 Design review related to conditional use permit, planned unit development, variance, or subdivision.

- A. Whenever design review approval is required for a proposal also requiring one or more other discretionary permits, such as a conditional use permit, planned unit development permit, or variance, the application for design review shall be submitted with the application for said other permit and shall be processed and considered as part of the same proposal. The reviewing officer or body shall, in considering the design review aspects of the proposal, determine whether it conforms to all the applicable design review criteria. Decisions on the design review aspects of a proposal also requiring one or more other discretionary permits, such as a minor conditional use permit or minor variance, shall still be appealable within ten (10) calendar days after the date of decision to the City Planning Commission or City Council to the extent such appeal would otherwise be allowed under Sections 17.136.080 and 17.136.090. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.
- B. Whenever design review approval is required for a proposal also requiring subdivision approval, the application for design review approval may be submitted with the tentative map or tentative parcel map required by the Oakland Municipal Code, but shall nonetheless be subject to all the separate procedure and criteria pertaining to design review.

17.136.130 Limitation on resubmission—Small project design review and Special project design review.

Whenever an application for small project design review or special project design review has been denied by the Director of City Planning, no small project design review application or special project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review.

The limitation of this section on resubmitting an application for small project design review or special project design review shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify reconsideration of denial of the original application for small project design review or special project design review. Applications pursuant to this section shall be considered by the Director of City Planning. A determination by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the Planning Commission shall be final.

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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 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 developments located on a single tract of land of less than sixty thousand (60,000) square feet, and containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located; and
- 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 Developments

17.142.010 Definition of mini-lot development.

17.142.012 Basic provisions for mini-lot developments.

17.142.014 Zones in which requirements may be waived for a mini-lot development.

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17.142.016 Maximum size for which requirements may be waived for a mini-lot development.

17.142.010 Definition of mini-lot development.

A mini-lot development is a comprehensively designed development containing lots that do not meet the minimum size or other requirements applying to individual lots of less than sixty thousand (60,000) square feet in the zone where it is located.

17.142.012 Basic provisions for mini-lot developments.

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 development, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

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. 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.

17.142.014 Zones in which requirements may be waived for a mini-lot development.

A conditional use permit pursuant to 17.142.012 may only be granted in the S-1 or S-2 Zone, or in any residential or commercial zone other than RH or RD Zones.

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17.142.016 Maximum size for which requirements may be waived for a mini-lot development.

Maximum Size for Which Requirements May Be Waived. A conditional use permit pursuant to Section 17.142.012 of this Chapter may be granted only if the total land area of the mini-lot development is less than sixty thousand (60,000) square feet.

Article III Planned Unit Developments

17.142.020 Definition of planned unit development.

17.142.030 Developments for which planned unit development permit approval is required or requested.

17.142.040 Ownership and division of land.

17.142.050 Professional design.

17.142.060 Dedication of public facilities and maintenance of open space.

17.142.070 Performance bonds.

17.142.080 Zones in which bonuses may be granted.

17.142.090 Minimum size for which bonuses may be granted.

17.142.100 Bonuses.

17.142.110 Development standards.

17.142.020 Definition of planned unit development.

A "Planned Unit Development" (PUD) is a large, integrated development adhering to a comprehensive plan and located on a single tract of land of sixty thousand (60,000) square feet or more, or on two (2) or more tracts of land equaling sixty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way. In developments that are approved pursuant to the Planned Unit Development regulations in this Chapter, certain uses may be permitted in addition to those otherwise allowed in the underlying zone, and certain of the other regulations applying in said zone may be waived or modified.

17.142.030 Developments for which planned unit development permit approval is required or requested.

- A. The following developments are permitted only upon the granting of a planned unit development permit pursuant to the planned unit development procedure in Chapter 17.140
 - 1. Any planned unit development incorporating any of the bonuses set forth in Section 17.142.100

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2. Any integrated development which is primarily designed for or occupied by Commercial Activities, which is located in any commercial zone, and which is developed under unified control, in accordance with a comprehensive plan, on a single tract with sixty thousand (60,000) square feet or more of land area, or on two (2) or more tracts which total such area and which are separated only by a street or other right-of-way.
- B. Unless required by the Planning Director, other large, integrated developments involving the same minimum land area thresholds of a planned unit development, as defined in Section 17.142.020, are permitted without such a permit. However, an applicant for such a development may request a planned unit development permit pursuant to the planned unit development procedure in Chapter 17.140, but shall be subject to all regulations generally applying in the zone in which they are located.

17.142.040 Ownership and division of land.

If any of the bonuses set forth in Section 17.142.100 are proposed for a development, the tract or tracts of land included in such development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase; any governmental agency, including the Redevelopment Successor Agency of the City; or a redeveloper under contract with the Redevelopment Successor Agency shall be deemed the owner of such land for the purposes of this Section. Unless otherwise provided as a condition for approval of a planned unit development permit, the permittee may divide and transfer units of any development for which a permit is required by Section 17.142.030. The transferee shall complete each such unit, and use and maintain it, in strict conformance with the approved permit and development plan.

17.142.050 Professional design.

If any of the bonuses set forth in Section 17.142.100 are proposed for a planned unit development, the application for a planned unit development permit pursuant to said Section shall utilize the following professionals in the design process for the development:

- A. An architect licensed by the State of California; and
- B. A landscape architect licensed by the State of California, or an urban planner holding or capable of holding membership in the American Institute of Certified Planners.

17.142.060 Dedication of public facilities and maintenance of open space.

The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any development for which a permit is required by Section 17.142.030, require that suitable areas for schools, parks, or playgrounds be set aside, improved, and dedicated for public use, or be permanently reserved for the owners, residents, employees, or patrons of the development. Whenever group or common open space is provided, the Commission or the Council, as the case may be, may require that an association of owners or tenants be created for the purpose of maintaining such open space. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said open space for the purposes intended. The period of existence of such association shall be not less

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than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

17.142.070 Performance bonds.

The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any development for which a permit is required by Section 17.142.030, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.142.010. The bond shall be in a form approved by the City Attorney, in a sum of one hundred percent (100%) of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified.

17.142.080 Zones in which bonuses may be granted.

The bonuses set forth in Section 17.142.100 may, upon approval pursuant thereto and except as otherwise specified therein, be permitted for a planned unit development in any residential or commercial zone or in the S-1, S-2 or S-15, or D-CO-1 Zones.

17.142.090 Minimum size for which bonuses may be granted.

The minimum total land area of any planned unit development incorporating any of the bonuses set forth in Section 17.142.100 shall be four (4) acres in the RH and RD-1 Zones, and sixty thousand (60,000) square feet in all other zones except the CC-1 Zone. In the CC-1 Zone, the minimum total land area shall be four (4) acres for any planned unit development incorporating any of the bonuses set forth in Subsection 17.142.100.E, and sixty thousand (60,000) square feet for any other planned unit development incorporating any of the bonuses set forth in Section 17.142.100.

17.142.100 Bonuses.

For planned unit developments qualifying under Sections 17.142.080 and 17.142.090, the following exceptions to otherwise applicable regulations may be permitted upon the granting of a planned unit development permit pursuant to the planned unit development procedure in Chapter 17.140:

- A. Additional Permitted Activities Where Increase in Overall Density or Floor-Area Ratio (FAR) Is Proposed. Except in the RH and RD-1 Zones, the following activities, as described in the use classifications in Chapter 17.10, may be permitted in a planned unit development incorporating an increase in overall density or floor-area ratio pursuant to Subsection E. of this Section, in addition to the activities generally permitted in the zone where the development is located:
 1. Residential Activities:
 - Permanent
 2. Civic Activities:
 - Limited Child-Care

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Community Education

3. Commercial Activities, provided that such activities shall not occupy in the aggregate more than four percent (4%) of the total floor area in such development, provided that the maximum floor area devoted to such activities by any single establishment shall be three thousand (3,000) square feet, and further provided that such activities shall not be permitted at all in any such development which has an overall density in Residential Facilities of less than forty (40) living units per net residential acre (excluding streets and other rights-of-way):

General Food Sales

Full Service Restaurant

Limited Service Restaurant and Cafe

Fast-Food Restaurant

Convenience Market

Alcoholic Beverage Sales

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

Medical Service

- B. Further Additional Permitted Activities Where No Increase in Overall Density or Floor-Area Ratio Is Proposed. Except in the RH and RD-1 Zones, the following activities, as described in the use classifications, may be permitted in a planned unit development for which no increase in overall density or floor-area ratio is proposed pursuant to Subsection E. of this Section, in addition to the activities listed in Subsection A. of this Section and in addition to the activities generally permitted in the zone in which the development is located. The special limitations prescribed in Subsection A.3. of this Section with respect to location and amount of floor area devoted to Commercial Activities shall not apply in such a development.

1. Residential Activities:

Semi-Transient

2. Civic Activities:

Nursing Home

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

Recreational Assembly

Nonassembly Cultural

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Administrative

Utility and Vehicular

3. Commercial Activities:

Mechanical or Electronic Games

General Retail Sales

Consumer Service (see Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special regulations related to laundromats)

Consultative and Financial Service

Consumer Cleaning and Repair Service

Consumer Dry Cleaning Plant

Group Assembly

Personal Instruction and Improvement and Small Scale Entertainment

Administrative

Business, Communication, and Media Service

Broadcasting and Recording Service

Research Service

General Wholesale Sales

Automobile and Other Light Vehicle Gas Station and Servicing

Automotive Fee Parking

Animal Care

Animal Boarding

4. Manufacturing Activities:

Custom

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

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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;

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, 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

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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.

- F. Distribution of Facilities without Reference to Lot or Block Line. The overall number of living units and amount of floor area, off-street parking and loading facilities, usable open space, and landscaping and screening may be located within the development without reference to lot lines or blocks, except as otherwise provided in Subsection 17.142.110.I and except that required parking spaces serving Residential Activities shall be located within two hundred (200) feet of the building containing the living units served.
- G. Waiver or Reduction of Yard and Other Dimensional Requirements. Except as otherwise provided in Subsection 17.142.110.E, the minimum lot area, width, and frontage; height; and yard requirements otherwise applying may be waived or modified for the purpose of promoting an integrated site plan.
- H. Limitations on Signs. Except in the RH and RD-1 Zones and except in a development incorporating an increase in density or floor-area ratio pursuant to Subsection E. of this Section, Signs may be developed subject to the limitations prescribed therefor in the CC-1 Zone rather than those in the zone in which the development is located.

17.142.110 Development standards.

The following regulations shall apply to all developments for which a permit is required by Section 17.142.030:

- A. Density and Floor-Area Ratio (FAR) Calculation. The maximum overall number of living units in Residential Facilities and the maximum overall floor-area ratio, if any, shall be based on the land area within the development, excluding the following:
 - 1. Publicly dedicated streets, freeways, alleys, and paths;
 - 2. When computing density for Residential Facilities in the RH, RD, RM, C-10, C-20, or C-60 Zones, the following:
 - a. Land, other than public housing sites, which is publicly owned or reserved for public ownership,
 - b. Land which is specifically devoted to or intended for Nonresidential Facilities.
- B. Density in the RH, and RD-1 Zones. In the RH-1 Zone, the maximum number of dwelling units shall be one (1) unit for each forty-three thousand five hundred sixty (43,560) square feet of land area as described in Subsection A. of this Section. In the RH-2 Zones, the maximum number of dwelling units shall be one (1) unit for each twenty-five thousand (25,000) square feet of land area as described in Subsection A. of this Section. In the RH-3 Zone, the maximum number of dwelling units shall be one (1) unit for each twelve thousand (12,000) square feet of land area as described in Subsection A. of this Section. In the RH-4 Zone, the maximum number of dwelling units shall be one (1) unit for each eight thousand (8,000) square feet of land area as described in Subsection A. of this Section. In the RD-1 Zone, the maximum number of dwelling units shall be one (1) unit for each five thousand (5,000) square feet of land area as described in Subsection A. of this Section.

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- C. Height in the RH-4 and RD-1 Zones. In the RH-4 and RD-1 Zones, no building shall exceed fifty (50) feet in height, except as would otherwise be allowed by Subsection 17.108.020.A and except for the same projections as are allowed by Section 17.108.030
- D. Performance Standards. Any Commercial or Manufacturing Activities in the development shall be subject to the applicable provisions of the performance standards in Chapter 17.120
- E. Yards and Courts. Yards and courts shall be provided of such depth and width as to provide the same minimum separation between walls of Residential Facilities or between such facilities and the walls of other facilities, regardless of whether such walls are on the same or on separate lots, as is generally required in the RU-2 Zone for courts between such walls when located on the same lot.
- F. Usable Open Space. In the RH-1, RH-2 and RH-3 Zones, two hundred (200) square feet of group usable open space per dwelling unit and three hundred (300) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities; and in the RH-4 and RD-1 Zones, two hundred (200) square feet of group usable open space per dwelling unit and one hundred (100) square feet of private usable open space per dwelling unit shall be provided for Residential Facilities. In any other zone, in any development incorporating an increase in overall density or floor-area ratio pursuant to Subsection 17.142.100.E, group usable open space shall be provided for Residential Facilities in the minimum amount of two hundred (200) square feet per dwelling unit. Except as otherwise provided in Subsection 17.142.100.F, all required usable open space shall conform to the standards for required usable open space in Chapter 17.126, and private usable open space may be substituted for required group space in the ratio prescribed in said chapter.
- G. Undergrounding of Utilities. In any development which is primarily designed for or occupied by Residential Activities, all electric and telephone facilities; fire alarm conduits; streetlight wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.
- H. Other Regulations. Except as otherwise provided in Section 17.142.100 and in this Section, and except as more restrictive regulations may be prescribed pursuant to Section 17.142.060 or otherwise as a condition of approval of a planned unit development permit pursuant to Section 17.142.030, the development shall be subject to the regulations generally applying in the zone in which it is located and the provisions of Section 17.108.080
- I. Developments Divided by Boundaries. Any development which is divided by a boundary between zones shall be subject as if it were a single lot to the provisions of Subsections B.2., 3., and 4. of Section 17.154.060 with respect to calculation of required parking, loading, and usable open space; calculation of maximum number of living units or floor-area ratio; and distribution of the resulting number of living units or amount of floor area.



COLISEUM AREA SPECIFIC PLAN

Subareas

ATTACHMENT D TO FEBRUARY 4, 2015 PLANNING COMMISSION HEARING

Activities	Existing Zones				Proposed Coliseum Plan Area Zones						Additional Regulations
	S-15	CR-1	CIX-2	IO	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Residential Activities											
Permanent	P	—	—	—	P(L1)	P(L1)	—	C(L1)(L4)	—	—	
Residential Care	C	—	—	—	C(L1)	C(L1)	—	C(L1)	—	—	17.103.010
Service-Enriched Permanent Housing	C	—	—	—	C(L1)	C(L1)	—	C(L1)	—	—	17.103.010
Transitional Housing	C	C	—	—	C(L1)	C(L1)	—	C(L1)	—	—	17.103.010
Emergency Shelter	—	C	P	—	—	—	—	—	—	—	17.103.010
Semi-Transient	—	C	—	—	C	C	—	—	—	—	17.103.010
Bed and Breakfast	—	—	—	—	—	—	—	—	—	—	17.10.125
Civic Activities											
Essential Service	P	P	P	P	P	P	P	P	P	P	
Limited Child-Care Activities	P	P	—	—	P	P	C	C	—	—	
Community Assembly	P	P	C	C	P(L2)	P	P(L2)	P(L2)	C	C	
Recreational Assembly	P	P	C	C	P(L2)	P	P	P	C	C	
Community Education	P	C	C	C	P	P	C	C	—	C	
Nonassembly Cultural	P	P	C	C	P	P	P	P	C	C	
Administrative	P	P	C	C	P	P	P	P	C	C	
Health Care	P	C	—	—	C	C	C	C	—	—	
Special Health Care	—	C	C	—	—	—	—	—	—	—	
Utility and Vehicular	C	C	C	C	C	C	C	C	C	C	
Extensive Impact	C	C	C	C	C(L5)	C(L5)	C(L5)	C(L5)	C(L5)	C(L5)	
Commercial Activities											
General Food Sales	P	P	P	P	P	P	P	P(L2)	P(L2)	P(L2)	
Full Service Restaurants	P	P	P	P	P	P	P	P(L2)	P(L2)	P(L2)	
Limited Service Restaurant and Cafe	P	P	P	P	P	P	P	P(L2)	P(L2)	P(L2)	
Fast-Food Restaurant	C	C	C	C	C	C	C	C	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	C	C	C	C	C	—	C	17.103.030
Alcoholic Beverage Sales	C	C	C	—	C	C	C	C	—	—	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	—	—	C	P	P(L6)	—	—	—	
Medical Service	P	P	C	C	P	P	C	C	C	C	
General Retail Sales	P	P	P	P	P	P	P(L10)	P	P(L10)	P(L10)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	C	—	—	—	—	
Consumer Service	P	P	P	C	P(L8)	P(L8)	P(L8)	P(L8)	C	C	
Consultative and Financial Service	P	P	C	—	P	P	P	P	—	—	
Check Cashier and Check Cashing	—	—	—	—	—	—	—	—	—	—	17.103.040
Consumer Cleaning and Repair Service	C	P	C	—	P	P	P	P	—	—	

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Activities	Existing Zones				Proposed Coliseum Plan Area Zones						Additional Regulations	
	S-15	CR-1	CIX-2	IO	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6		
Consumer Dry Cleaning Plant	C	C	C	—	C	C	C	C	—	—	17.103.050	
Group Assembly	P	C	P	C	P(L14)	P(L14)	P(L6)(L14)	P(L3)(L14)	C(L14)	C(L14)		
Personal Instruction and Improvement Services	P	P	P	C	P	P	P	P	C	C		
Administrative	P	P	P	P	P	P	P	P	P	P		
Business, Communication, and Media Services	P	P	P	P	P	P	P	P	P	P		
Broadcasting and Recording Services	P	P	P	P	P	P	P	P	P	P		
Research Service	—	P	P	P	P(L9)	P(L9)	P(L9)	P(L9)	P(L9)	P(L9)		
General Wholesale Sales	—	C	P	P	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)	P(L2)		
Transient Habitation (Hotels)	C	C	—	—	C	C	C	C	—	C		
Building Material Sales	—	P	P	—	—	—	—	—	—	—		
Automobile and Other Light Vehicle Sales and Rental	—	P	C	C	C	C	C	—	—	C		
Automobile and Other Light Vehicle Gas Station and Service	—	P	P	—	—	—	C(L11)	—	—	—		
Automobile and Other Light Vehicle Repair and Cleaning	—	P	P	—	—	—	C(L11)	—	—	—		
Taxi and Light Fleet-Based Services	—	P	P	—	—	—	—	—	—	—		
Automotive Fee Parking	C	—	P	P	C	C	C(L11)(L13)	C	C	C		
Animal Boarding	C	C	C	—	—	—	C(L11)(L13)	—	—	—		
Animal Care	C	P	C	—	C	C	C	—	—	—		
Undertaking Service	—	—	C	—	—	—	—	—	—	—		
Industrial Activities												
Custom Manufacturing	C	P	P	P	P(L3)	P	P(L3)	P(L3)	P	P		17.12
Light Manufacturing	—	P	P	P	C	C	P(L3)(L9)	C(L3)(L9)	P	P	17.12	
General Manufacturing	—	C	P	—	—	—	C(L11)(L13)	—	—	—		
Heavy/High Impact	—	—	—	—	—	—	—	—	—	—		
Research and Development	—	P	P	P	P	P	P	P	P	P		
Construction Operations	—	—	P	C	—	—	—	—	—	—		
Warehousing, Storage, and Distribution-Related:												
A. General Warehousing, Storage and Distribution	—	P	P	P	—	—	P(L2)(L9)	C	P(L9)	P(L9)		
B. General Outdoor Storage	—	C	P	P	—	—	—	—	C(L11)(L13)	C(L13)		
C. Self- or Mini Storage	—	C	C	C	—	—	—	—	C(L11)	—		
D. Container Storage	—	C	P	—	—	—	—	—	—	—		
E. Salvage/Junk Yards	—	—	—	—	—	—	—	—	—	—		
Regional Freight Transportation-Related:												
A. Seaport	—	C	—	C	—	—	—	—	—	—		
B. Rail Yard	—	C	C	—	—	—	—	—	—	—		

ATTACHMENT D TO FEBRUARY 4, 2015 PLANNING COMMISSION HEARING

Activities	Existing Zones				Proposed Coliseum Plan Area Zones						Additional Regulations
	S-15	CR-1	CIX-2	IO	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Trucking and Truck-Related:											
A. Freight/Truck Terminal	—	C	P	—	—	—	—	—	C(L7)	—	
B. Truck Yard	—	C	C	C	—	—	—	—	C(L7)	—	
C. Truck Weigh Stations	—	C	P	—	—	—	—	—	C(L7)	—	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	—	C	P	P	—	—	—	—	C(L7)	—	
E. Truck & Other Heavy Vehicle Service, Repair, and Rental	—	C	P	—	—	—	—	—	C(L7)	—	
Recycling and Waste-Related:											
A. Satellite Recycling Collection Centers	—	C	C	C	—	—	—	—	—	—	17.10.040
B. Primary Recycling Collection Centers	—	C	P	—	—	—	—	—	—	—	17.73.035
Hazardous Materials Production, Storage, and Waste Management-Related:											
A. Small Scale Transfer and Storage	—	—	C	—	—	—	—	—	—	—	
B. Industrial Transfer/Storage	—	—	—	—	—	—	—	—	—	—	
C. Residuals Repositories	—	—	—	—	—	—	—	—	—	—	
D. Oil and Gas Storage	—	—	—	—	—	—	—	—	—	—	
Agriculture and Extractive Activities											
Limited Agriculture	P	P	P	C	P(L16)	P(L16)	P(L16)	P(L16)	P(L16)	P(L16)	
Extensive Agriculture	C	C	C	C	C(L17)	C(L17)	C(L17)	C(L17)	C(L17)	C(L17)	
Plant Nursery	—	C	P	—	—	C	C	C	C(L12)	C(L12)	
Mining and Quarrying	—	—	—	—	—	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	—	P	—	—	C	C	C	C	C	C	17.116.175
Additional activities that are permitted or conditionally permitted	C	C	—	—	C	C	C	C	C	C	17.102.110

"P" is a permitted activity (with a zoning clearance form)

"C" is a conditionally permitted activity

"--" is a prohibited activity

"L#" is a limitation; see proposed zoning text below

Limitations on Table 17.101H.01 (Proposed D-CO zoning):

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential
- L2. The total floor area devoted to these activities by a single establishment shall only exceed ten thousand (10,000)
- L3. The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand
- L4. (This activity is only permitted upon determination that the proposal conforms to the general use permit criteria
 - 1. That there will be no health risk to new residents from neighboring business operations;
 - 2. That new development will meet residential environmental safety standards;
 - 3. that the design of future development demonstrates adaptation to rising sea levels and the potential for inundation
 - 4. That aviation easements for the Oakland International Airport will be negotiated with future owners or tenants, and
 - 5. That the cumulative effects of locating the project within the proposed area have been analyzed and, where
- L5. The Extensive Impact Civic Activity category includes, but is not limited to, stadiums and sports arenas (see Section

ATTACHMENT D TO FEBRUARY 4, 2015 PLANNING COMMISSION HEARING

Activities	Existing Zones				Proposed Coliseum Plan Area Zones						Additional Regulations
	S-15	CR-1	CIX-2	IO	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	

- L6. Permitted outright if located in the D-CO-3 Zone between Damon Slough and Elmhurst Creek; conditionally
 - L7. In the D-CO-5 Zone, these activities are only allowed in the area between San Leandro Creek and Doolittle Drive.
 - L8. See Section 17.102.170 for special regulations relating to massage services and Section 17.102.450 for special
 - L9. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor
 - L10. Permitted outright if located within one thousand (1,000) feet of Highway 880 or Hegenberger Road;
 - L11. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Hegenberger Road
 - L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP
 - L13. These activities are not permitted within three hundred (300) feet of a lot line adjacent to the Oakport Street
 - L14. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.
 - L15. Existing fee parking lots within three hundred (300) feet of a lot line adjacent to the Hegenberger Road right-of-
 - L16. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any sales
 - L17. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the
1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the