

Location:	Citywide
Proposal:	Amend the Planning Code for Accessory Dwelling Units (ADUs) – currently termed Secondary Units in the Planning Code – to bring the local ordinance into compliance with recent State legislation. The major proposed amendments include: 1) new standards for the processing, number, size, height, parking, location, landscaping, and setbacks for the construction of new ADU structures and ADUs within existing accessory buildings, single-family homes, and two-family and multi-family buildings; 2) establishment of regulations for Junior Accessory Dwelling Units (JADUs) within single family homes; 3) introduction of objective standards to streamline approval of ADUs; 4) objective standards for the design and location of ADUs; 5) regulations for ADUs in mini-lot developments; and 6) the prohibition of all ADUs and JADUs within the “Very High Fire Hazard Severity Zone,” as designated by the State of California; and amendment of the S-9 Zone Map boundary to align with the “Very High Fire Hazard Severity Zone.”
Applicant:	City of Oakland
Case File Number:	ZA21006
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
City Council District:	All districts
Staff Recommendation:	Planning Commission will receive public comment, discuss, and make recommendation to City Council to adopt legislation as set forth in the Staff Report.
Finality of Decision:	Recommendation to City Council; Final decision by City Council
For Further Information:	Contact case planner Ruslan Filipau at 510-238-3491 or rfilipau@oaklandca.gov

SUMMARY

On January 1, 2020, and January 1, 2021, several new California State laws and amendments went into effect to encourage the construction of Accessory Dwelling Units (ADUs), which are currently termed “Secondary Units” in the City of Oakland Planning and Municipal Codes. Pursuant to Government Code Section 65852.2(a)(4), until the City adopts an ordinance that complies with State law, the City’s existing ADU regulations in the Planning Code are null and void and only State standards may be enforced. This report describes proposed amendments to align the City’s ADU regulations with State law and introduce other changes that clarify the ADU regulations. The proposed Planning Code amendments encourage ADUs by reducing regulatory barriers by introducing objective development standards and streamlined approval processes consistent with State law.

BACKGROUND

On February 16, 2016, the City Council adopted Ordinance No. 13357 C.M.S., which revised the City’s Secondary Unit regulations. The purpose of the changes was to encourage construction of more Secondary Units to address the City’s housing shortages and escalating housing costs (“City Secondary Unit Ordinance”).

On January 1, 2017, California Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 went into effect with a similar intent as the City’s February 16, 2016, changes - to streamline housing production and encourage the construction of more Secondary Units. In response to the new legislation, the City Council adopted Ordinance No. 13435 C.M.S on May 2, 2017, which again revised the City’s Secondary Unit Regulations primarily with respect to types and sizes of ADUs, parking requirements in transit-accessible and historic areas, approval processes and timelines, and establishing a new Zoning Overlay Zone (S-9 Fire Safety Protection Combining Zone Map Overlay) that identified areas within the “Very High Fire Hazard Severity Zone” where Category 2 ADUs are not permitted. These amendments brought the City’s Secondary Unit Ordinance into compliance with the State laws that were in effect at the time.

On January 1, 2020, and January 1, 2021, a number of amendments to Government Code §65852.2 and §65852.22, went into effect to encourage Statewide production of ADUs even further by developing a ministerial approval process for certain types of ADUs. California Assembly Bills (AB) 3182 (2020), AB 68, AB 881, AB 578, AB 670, AB 671, and California State Bill (SB) 13 (collectively passed in 2019) introduced several important changes and limitations regarding how local governments can regulate ADUs. As before, if a municipality does not update its ordinance to be consistent with the newly adopted State requirements, the local ordinance is superseded by State standards. In the meantime, the City is currently implementing State law through administrative guidance documents and handouts that include a checklist of what is allowed by State law.

Below is a summary of recent changes in State ADU laws relevant to the proposed Planning Code amendments.

Table 1: 2020 State Law Amendments Summary

State Laws	Code Sections	Summary	Status
AB 3182 AB 881 AB 68 SB 13	Combined into Sections: §65852.2 and §65852.22 Accessory Dwelling Units §4740 and §4741 Civil Code §17980.12 Health and Safety	Introduced significant changes to ADU permit processing (60-day ministerial approval process), number of ADUs for lots with single-family and multi-family structures, size, height, setbacks, location, parking, impacts on historic resources, owner occupancy, and certain other design, development and use standards.	Amendments will be incorporated into the language of various Title 17 Sections.

In response to this inconsistency between the City’s Secondary Unit Ordinance and State law, Staff has prepared proposed amendments to the Oakland Planning Code regulations related to “Secondary Units” (to be renamed “Accessory Dwelling Units” or “ADUs” throughout the Code). These proposed amendments are attached hereto at **Attachment A**.

On April 15, 2021, the Zoning Update Committee reviewed and discussed the proposal during a public meeting. After taking questions and comments from the public, the Committee members directed the planning Staff to address a few issues. One issue of high importance was a comment from the public that the S-9 Fire Safety Protection Combining Zone Map Overlay should include the whole Very High Fire Hazard Severity Zone because of concerns of evacuation bottlenecks. In order to protect public safety Planning Staff made revisions to the Planning Code amendments and S-9 Zone Map discussed in **“Key Issues and Impacts”** section of this report.

Other changes to the Planning Code include clarifications to: a) maximum allowed existing accessory structure building envelope expansion for conversion to Category One ADU in small lots; b) the minimum ADU size; c) objective design standards; and d) landscaping standards for new Category Two ADUs. All newly introduced changes to the proposed Planning Code language after public comments and suggestions received at the Zoning Update Committee (ZUC) are highlighted in yellow in the **Attachment A**. Some of these topics are discussed in more detail below in **Changes Introduced Since the Zoning Update Committee (ZUC) Meeting**.

After the Planning Commission reviews and makes recommendations to City Council, the proposed Planning Code amendments will be considered by the City Council at a public hearing and second reading for final legislative review and adoption.

PROJECT DESCRIPTION

The following section summarizes the proposed changes to the Oakland Planning Code. As stated above, [Attachment A](#) contains the proposed Citywide text amendments to the Planning Code.

Before the summary of the proposed changes, below are definitions of the different types of ADUs allowed:

Junior Accessory Dwelling Unit or “**JADU**” means an Accessory Dwelling Unit that is contained entirely within the building envelope of an existing or proposed One-Family Residential Facility. It may include separate sanitation facilities or may share sanitation facilities with the primary Residential Facility, but must contain an efficiency kitchen. A JADU is not allowed as a conversion of detached or attached accessory structures. No expansion of building envelope is allowed except for an expansion of up to one hundred fifty (150) square feet for the exclusive purpose of ingress and egress to the JADU. Owner occupancy is required in the JADU or the primary Residential Facility. The owner of the JADU is required to record a deed restriction setting forth these requirements.

“**One-Family Category One ADU**” means an Accessory Dwelling Unit that is a conversion of space within a One-Family Residential Facility or an associated accessory structure, legally existing as of January 1, 2020, or an associated accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.01 of Section 17.103.080.

Multifamily Category One ADU means an Accessory Dwelling Unit that is a conversion of existing, non-habitable space, such as storage rooms, boiler rooms, passageways, attics, basements or garages located within portions of Two-Family or Multifamily Dwelling Facilities legally existing as of January 1, 2020. Non-habitable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any finished spaces that are meant to be occupied by people and used communally.

One-Family Category Two ADU means a newly constructed attached or detached Accessory Dwelling Unit on a lot with an existing or proposed One-Family Dwelling Residential Facility. A One-Family Category Two ADU may include an exterior addition to an existing primary One-Family Residential Facility for the purposes of accommodating the ADU.

Multifamily Category Two ADU means a newly constructed detached Accessory Dwelling Unit, or a conversion of an existing detached accessory structure, on a lot with existing Two-Family or Multifamily Dwelling Facilities legally existing as of January 1, 2020. The converted detached Category Two ADU(s) is either: (a) within the building envelope of an existing detached accessory structure and involves no expansion of existing building envelope; or (b) within a rebuilt detached accessory structure built in the same location and to the same exterior dimension as the existing detached accessory structure(s).

The new State legislation mandates that local governments comply with a number of new ADU regulations. The most important new regulations and changes to Planning Code are:

- Required ministerial approval for one interior, attached or detached ADU, and one Junior ADU or JADU¹ per one single-family lot. If a detached, Category 2 ADU is proposed, the City must ministerially approve an ADU that is up to 800 sf, 16-ft in height, and maintains 4-ft rear and side setbacks.

¹ JADUs are a type of ADU that are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and a separate entrance to the JADU from the outside. The JADU must have an efficiency kitchen, including a sink, but is not required to have a private bathroom.

- Required ministerial approval of at least one interior ADU on multifamily lots, up to a number equal to 25% of the existing units, that involve conversion of non-habitable space within the existing structure.
- Allowance for no more than two detached ADUs on two-family and multifamily lots.
- Allowance for conversion of existing accessory buildings such as carports and garages into ADUs with no parking replacement requirement if the parcel is within ½-mile walking distance of public transit.
- New standards for the processing, size, height, location, landscaping, and setbacks for the construction of new ADU structures and ADUs within existing accessory buildings, single-family homes, two-family and multi-family buildings.
- Prohibiting ADUs in State defined “Very High Fire Hazard Severity Zones” due to impacts on traffic flow and public safety during emergencies. This topic is discussed thoroughly in “*Key Issues and Impacts*” section of this report.

Once the proposed amendments are adopted, the Oakland Planning Code will be in compliance with State law. Please refer to Section 17.103.080, Tables 17.103.01 and 17.103.02 in *Attachment A* for summaries of the proposed development standards for developing and processing ADUs.

ANALYSIS

Changes introduced since the Zoning Update Committee (ZUC) meeting

The following changes were made to the Planning Code Amendments after the ZUC meeting that was held on April 15, 2021:

a) Building Envelope Expansion for Category One ADU Conversion on Small Lots

The State law allows an expansion of up to 150 square feet for the purpose of ingress and egress when converting or replacing an existing accessory structure to a Category One detached ADU. This Planning Code proposal is fully compliant with the State mandate. To allow more flexibility in creating livable ADUs, the Staff recommends allowing envelope expansion as part of the conversion or replacement of existing accessory structures on Small Lots for the purpose of creating one (1) Category One ADU with a total resulting structure footprint no greater than 800 square feet, and height of the proposed addition no more than 16 feet. This would allow converting an existing structure that might be too small and undesirable to inhabit into a livable conversion ADU, while preserving at least 50% of the yard as open space. Since conversion of an existing structure is a less expensive way of creating an ADU, this allowance makes creation of ADUs more equitable. A small lot is defined for the purpose of this regulation as a lot no greater than 3,000 square feet in size or no greater than 35 feet in lot width mean.

b) Minimum ADU and JADU Size Allowance

Aligning the minimum ADU and JADU size requirement with the minimum size of an Efficiency Dwelling Unit as defined in the California Building Code Section 1208.4.

c) Objective Design Standards

A minor adjustment has been made to the exterior wall material standard for attached and detached ADUs located at the front or side of a main building and visible from the front public right-of-way. The proposed requirement is for the exterior material to “visually match” the existing exterior material of a primary structure.

d) Landscaping Standards for New Category Two ADUs

A clarification has been added to the requirement to plant one new tree per every 500 square feet of detached ADU floor area. When required, any new tree within the public right-of-way planted to meet this requirement is to be approved by the Department of Public Works and conform with the City's current Tree Division list.

“Very High Fire Hazard Severity Zone” (VHFHSZ) ADU Regulations

Planning Staff - together with Oakland Fire Department (OFD), Oakland Department of Transportation (OAKDOT), and the City Administrator's Office - are highly concerned about public safety within the State designated VHFHSZ. Staff urges the Planning Commission to consider recommendations to prohibit ADUs and JADUs in this highly prone to wildfires zone of the City where the existing infrastructure cannot support the increase in population density without significantly compromising public safety because of “bottleneck” issues in traffic flow from vehicles and evacuation choke points. Please see the full proposal in the *Key Issues and Impacts* Section of the report.

Proposed Code amendments that remain largely unchanged since Zoning Update Committee (ZUC) meetingRegulations for Two-Family and Multi-Family Residential Facilities

State law allows at least one interior ADU or up to 25% of the existing number of units, whichever is greater, within a two-family or multi-family facility by converting portions of non-habitable space such as boiler rooms, attics, basements or garages. In addition, State law allows no more than two detached ADUs per two-family or multifamily lot. One of these detached ADUs is allowed regardless of its impact on lot coverage or usable open space. Allowing both ADUs to reduce the usable open space to below that required by the Planning Code would take away a portion or all available open space from existing two-family or multi-family facility tenants. Therefore, staff recommends allowing one or two detached ADUs per two-family or multifamily lot regardless of its impact on usable open space or lot coverage as long as the total ADU footprint does not exceed 800 square feet. Together with a proposed allowance for ADUs to exceed the minimum 16 feet height mandated by the State if the regularly required height and setbacks of the zone are met, this proposal would allow for creation of two-story ADUs and preservation of usable open space. However, in the case where the two ADUs do not reduce the open space that is required, the detached ADUs would be permitted if they meet the size standards outlined in Table 17.103.02 in *Attachment A*.

Mini-Lot Planned Unit Developments (Mini-Lot PUDs) ADU Regulations

Section 17.142.010 of the Planning Code defines a Mini-Lot Planned Unit Development as “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.” In other words, Mini-Lot PUDs allow a developer to subdivide a parcel into lots smaller than normally permitted so long as the resulting overall development meets all open space, setback, density, parking and other development standards for a single lot. Mini-Lot PUDs are only allowed after the granting of a Conditional Use Permit and Regular Design Review approval.

The State ADU laws do not provide specific regulations for Mini-Lot PUDs because they are a type of development that is unique to Oakland. Therefore, regulation of ADUs proposed for Mini-Lot PUDs require a local approach, especially since they create what would otherwise be substandard lots and were

meant to facilitate efficient development of infill parcels. Planning staff recommends the following amendments to the Planning Code for ADUs on Mini-Lot PUDs:

- a. ADUs in existing Mini-Lot PUDs (entitled before approval and adoption of this ordinance amendment):
 - The addition of an ADU to an existing Mini-Lot PUD would require the revision of the existing Conditional Use Permit (CUP), and possibly revisions to the Tentative Parcel Map if a Final Map has not been obtained.
 - The development will need to meet the access, setback, usable open space, and parking standards required for Mini-Lot PUDs.
- b. ADUs in proposed Mini-Lot PUDs after the effective date of these Planning Code amendments:
 - Require the project site plan to show the location for all proposed ADUs.
 - The development will need to meet the access, setback, usable open space, and parking standards required for Mini-Lot PUDs.
 - After the Mini-Lot PUD has been entitled, any proposed additional ADUs shall require a revision of the original Conditional Use Permit.

Historic Resources

Preservation of historic resources has been a priority for the City. The Oakland Planning Code includes special regulations for properties on National, California, and Local Historic Registers, as well as properties located in designated historic districts through the Design Review process (Code Section 17.136). The new ADU legislation continues the established protections for historic resources. State ADU law allows local agencies to impose objective standards and regulations that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources (Gov. Code §65852.2).

While in most cases ADUs are placed behind main structures and away from public view, sometimes ADUs are proposed in front of a primary structure if the primary structure is set back significantly from the street, or on the side of a primary structure on a corner lot, in which case an ADU might be highly visible from the public right-of-way. These examples of ADU placements may cover, obscure or modify, to various degrees, prominent features of protected historic resources.

Therefore, City Staff recommends the following two requirements: a) allowing placement of an ADU in front of a primary historic structure only if the lot conditions or requirements preclude an ADU of a minimum required size anywhere else on the lot, and b) requiring a consultation with Historic Preservation Staff for ADU applications involving construction of a new structure, or an addition to the footprint or building envelope of an existing structure for properties in the National, California, and Local Historic Registers. This review is in compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* to ensure the ADU proposal would not cause a substantial adverse effect to the significance of the resource. Such consultation would need to occur within the 60-day ministerial approval timeline for ADU approvals subject to Government Code Section 65852.2(e).

Objective Design Standards

The State law allows local governments to establish a limited set of objective design requirements that can be reviewed and approved ministerially. City Staff recommends a number of straightforward and objective design requirements for ministerial review along with the option for an alternative path through Small Project Design Review for ADU applications varying from the objective standards. The objective design standards are applicable to ADUs that are visible from the public right-of-way and require building

elements like roof pitch, exterior wall materials, predominant door and window trim, sill, recess and style to visually match those elements of a primary structure.

Similarly, State law allows municipalities to establish objective controls for ADU elements like balconies, rooftop decks, exterior staircases, as well as allowing to set standards for landscaping. The staff proposes to regulate any exterior building elements listed above normally per existing underlying zone requirements. As a result of increased construction of detached ADUs, City Staff recognizes the inevitable loss of permeable surface and potential loss of vegetation. Therefore, the Planning Code amendments require at least one tree per every 500 square feet of new ADU floor area.

ENVIRONMENTAL DETERMINATION

The proposed amendments to the Planning Code will rely on the previous set of applicable CEQA documents including: the Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), and Coliseum (1995); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

The proposed amendments to the Oakland Planning Code would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents. As a result, none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 or 15163 are present in that: (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance," as defined in CEQA Guidelines Section 15162(a)(3). In addition, each as a separate and independent basis, this action is exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment).

KEY ISSUES AND IMPACTS“Very High Fire Hazard Severity Zone” (VHFHSZ) ADU Regulations

State law allows for cities to enact laws in order to protect health, safety, and welfare of their residents. Further, the new State ADU laws permit local agencies to regulate ADUs based on “the adequacy of water and sewer service, and the impacts of traffic flow and public safety.” (Gov. Code §65852.2 subd. (a)(1)(A)).

Recognizing this concern, the City Council in 2017 adopted the S-9 Fire Safety Protection Combining Zone Map Overlay (“Overlay Zone”) within which new Category Two ADUs are prohibited. The S-9 Overlay Zone was created to identify areas where the street pavement width is less than 20 feet and/or a cul-de-sac length is over 600 feet; and where the area is located, in whole or part, in a “Very High Fire Hazard Severity Zone,” as designated by the California Department of Forestry and Fire Protection (CAL FIRE)². The Overlay Zone was mapped according to the following criteria:

- Areas accessed by streets with a pavement width of less than 20 feet. Oakland Fire Code (OMC Chapter 15.12) states that: “Fire apparatus access roads shall be all weather roads with a minimum width of 20 feet...”
- Areas accessed by cul-de-sacs (blind streets) with a length over 600 feet. OMC Section 16.16.025(D) states: “Blind streets shall not be over 600 feet in length unless it includes means of a secondary access...;” and
- Areas designated by CAL FIRE as a “Very High Fire Hazard Severity Zone”.

The purpose of this Fire Safety Protection Overlay Zone was to protect the public health, safety and welfare of Oakland residents by limiting ADUs in areas susceptible to fires and limited accessibility. However, as each season passes, California’s fire risk appears to grow, especially as a result of climate change with higher temperatures and an increase in drought conditions. Based on evolving data from recent wildfires (such as the Camp Fire in Paradise, CA), the recently completed *Oakland Local Hazard Mitigation Plan, Vegetation Management Plan, and Zonehaven* scenario software analysis for evacuation routes being developed with the expertise of the Oakland Fire Department (OFD) and Oakland Department of Transportation (OAKDOT), Staff recommends that the City prohibit all new ADUs and JADUs in the entire VHFHSZ, as designated by the State of California. This can be achieved through expanding the mapped area of the S-9 Overlay Zone to include the entire VHFHSZ, consistent with the base proposal described in this staff report; or alternatively, through the replacement of the S-9 Overlay with references in the Planning Code to the boundary of the VHFHSZ as may be amended by CAL FIRE over time. The pros and cons of each approach are discussed below.

VHFHSZs have been designated by CAL FIRE in areas throughout the State with especially high probability of severe wildfires and of a very high concern to public safety. CAL FIRE uses scientific computer models to analyze wildfire probability and expected wildfire behavior based on parameters such as weather patterns, available vegetation, terrain and other factors to map fire severity zones across the State.³ Portions of Oakland that are within the VHFHSZ include areas of Oakland Hills that suffered from the devastating Oakland firestorm in 1991. The proposed map of the S-9 Fire Safety Protection Zone has been amended to match the CAL FIRE designated VHFHSZ in **Attachment B**. * Please note that the CAL FIRE-issued VHFHSZs are subject to change by the State periodically based on their complex computer modeling. If the VHFHSZ map is modified by the State, the S-9 zone boundary would need to be updated as well to match the state designated area. The currently proposed changes to the Planning Code state the S-9 zone would automatically change to match the boundaries of the VHFHSZ.

² <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Also see **Attachment B** for detailed maps of the VHFHSZ.

³ 2021-2026 City of Oakland Hazard Mitigation Plan. April 2021. Pages 15/1 – 15/18.

Current draft of the maps in **Attachment B** is provided for illustrative purposes. (Please also see a note about the current draft of S-9/VHFHSZ maps at the end of this section.)

Staff is aware that the proposal for automatic updates to the boundary of the S-9 Zone is not the typical pathway for a zoning map change, which would normally go back to the Planning Commission and City Council before becoming effective. Therefore, with this potential for concern in mind, an alternative approach could also be considered to keeping the proposed boundary of ADU prohibition consistent with the boundary of VHFHSZ – replace the S-9 Overlay entirely with references in the Planning Code to the boundary of the VHFHSZ, as may be amended by CAL FIRE over time. Regulating by reference to a mapped area separate from the zoning map is also not typical and could present challenges to keeping the public fully informed of all relevant regulations applicable to their property, but staff feels that this can be managed through the creation of enhanced handouts and website content.

With assistance of available new software and mapping tools (*Zonehaven*) that show existing number of people, cars, structures, and available escape routes in VHFHSZs, the OFD and OAKDOT are already seeing that the current road and intersection capacity is not adequate for the existing population in the events of mass emergency evacuations, let alone if the number of units and therefore vehicles within the VHFHSZ were to increase. Using available data, *Zonehaven* allows for the ability to visualize scenarios of mass emergencies similar to the Oakland firestorm of 1991. An annotated screenshot from *Zonehaven* showing an approximate simulation of the Oakland Firestorm of 1991 attached hereto at **Attachment C**.

The results show that there is not enough time to clear intersections for people to evacuate and for emergency vehicles to access affected areas because of “choke points” that are likely to develop at key intersections during evacuations, thereby blocking the free flow of traffic throughout the VHFHSZ. Such “bottlenecks” during mass evacuations during raging wildfires are deadly. These choke points are shown to occur within Very High Fire Hazard Severity Zones on both sides of Interstate I-580 as well as Highway 13. Because the VHFHSZ is not in a very transit accessible area, any new ADUs will likely add additional vehicles to this area making the choke points even worse.

Using Paradise, CA as an example where the streets are wide and suburban in nature, new software and mapping tools show there was still a problem with traffic bottlenecks and vehicles not being able to escape in time. In the Camp Fire people perished in their vehicles as they were trying to evacuate. Examples such as these show that street widths are not the only problem with evacuation. If there are bottlenecks that cause traffic to slow down and back up in heavily wooded areas, street width will not matter.

In addition to the bottleneck issues, city infrastructure surveys show that many streets are very narrow and often have long dead ends that only allow for one route of escape in the event of an emergency such as a wildfire. Also, even though street parking is prohibited along many streets, the street signs are often disregarded, resulting in even more limited space for cars to escape quickly if the street is partially blocked. If cars are parked on a narrow street, they can also block access for emergency vehicles to access homes in emergencies such as a fire, natural disaster, or a health crisis, where it can mean the difference between life and death if the emergency vehicle cannot arrive in time. Many homes within the VHFHSZ are built on steep slopes and do not have off-street parking or have nowhere to build additional off-street parking on the lot.

Recent inventory of existing streets in the city’s “Very High Fire Hazard Severity Zone” identified multiple “choke points”: where it is difficult for a fire engine to get through because of the dimensions of a street. The Oakland Fire Department (OFD), Oakland Department of Transportation (OAKDOT), and the City Administrator’s Office have all identified accessibility/egress issues that will be exacerbated by increased units in the VHFHSZ, because new residents will likely own cars and likely park on the street. This is a foreseeable outcome, as off-street parking is not required for ADUs within a ½ mile from public transit, and replacement off-street parking for primary dwelling units is not required for ADU conversions pursuant to the recently passed State law. Any additional cars parked on the street would cause extra

blocking of narrow streets, and further slowing/blocking of both a) traffic trying to escape quickly in the event of a wildfire or other emergency, and b) emergency vehicles trying to respond to health emergencies.

With an increase in living units of any type in the VHFHSZ, Fire Department operations are impacted because additional units mean an increase in the number of people that may need assistance in the event of an emergency, the number of people susceptible to risk and accident, and an increase in the number of vehicles trying to evacuate via narrow and winding roads, creating “choke points” and stalling the free flow of cars through intersections during wildfires.

Areas of Oakland Hills that VHFHSZ covers is also referred to as a Wildland-Urban Interface (WUI) area in the *Oakland Local Hazard Mitigation Plan* (OLHMP). The WUI area is where “combustible vegetation meets combustible structures.”⁴ These are the areas of upmost concern for the OFD. California’s SB 1241 (adopted in 2012) and AB 2140 requires local governments to update the safety elements in their general plans to recognize wildfire risks in VHFHSZ.⁵ A draft of OLHMP has been recently reviewed by this Planning Commission and referred for approval to the City Council. This limited ADU prohibition proposal is consistent with the OLHMP and the recent State mandates to protect the public from the threat of wildfires. A brief staff analysis with more excerpts from the *Oakland Local Hazard Mitigation Plan* and *Vegetation Management Plan* are attached hereto at **Attachments D and E**. Although the VHFHSZ appears to cover a large area within Oakland, a large portion of the area covers parks and open space where no housing is allowed to be built. A map of VHFHSZ and major open spaces attached hereto at **Attachment F***. (All maps are subject to change and are intended for illustrative purposes. Please see a note below.)

In light of the devastating historic and recent fires across California cities, including the Oakland Hills Fire in 1991, and recent PG&E Public Safety Power Shutoff events, Planning Staff and the Oakland Wildfire Prevention Group that includes staff from the Fire Department, Department of Transportation, and City Administrator’s Office, strongly recommend expanding the S-9 Overlay Zone boundaries to match the entire VHFHSZ zone, and to prohibit all new ADUs and JADUs in the VHFHSZ.

Also, for the similar purposes of emergency access discussed above, the Staff recommends prohibiting any new ADUs and JADUs on lots that are accessed by streets with less than 20 feet of continuous pavement width Citywide. For more details, please refer to Section 17.103.080A7c.

Letters of support from the Fire Chief, and the Director of Interdepartmental Operations, Office of the City Administrator are attached hereto at **Attachments G and H**.

In addition to the above findings from City Staff, the California Attorney General Xavier Becerra filed motions to intervene in recent lawsuits over a development that was approved in a Very High Fire Severity Zone in San Diego County. According to Attorney General Becerra, “[o]n the heels of another dry winter, Californians are looking toward wildfire season with a familiar pit of dread in their stomachs. Devastating wildfires have become the norm in recent years, with dozens of deaths and whole towns forced to evacuate. That’s why local governments must address the wildfire risks associated with new developments at the front end. It is imperative for public safety – and required by the law.”⁶

City Staff understands the need for and importance of adding more housing units to the City, but given the evidence, the addition of housing units should not be at the risk of public health and safety. There are appropriate areas for new growth and ministerial residential project approvals, and most of the City of Oakland falls within those areas. However, the VHFHSZ, with its severe high fire, access, and evacuation risks, is not an appropriate area for increased density that it cannot serve with its limited infrastructure and

⁴ 2021-2026 City of Oakland Hazard Mitigation Plan. April 2021. §15.1.3
https://cao-94612.s3.amazonaws.com/documents/2021-04-30_OaklandHMP_AgencySubmittalDraft_2021-05-13-231111_rlny.pdf

⁵ 2021-2026 City of Oakland Hazard Mitigation Plan. April 2021. Pages 15/4

⁶ <https://oag.ca.gov/news/press-releases/attorney-general-becerra-seeks-intervene-litigation-over-wildfire-risk-san-diego>

fire risk. Building new units that would risk not only the lives of existing residents, but new residents alike does not make for good planning practice. Also, a wildfire in the VHFHSZ will result in further displacement and housing shortage.

* **Additional note** about current drafts of S-9/VHFHSZ Maps in **Attachments B, F**, and any interactive VHFHSZ maps that have been shared with the public prior to this meeting:

Current maps are for illustrative purposes only and are a subject to change by the State following coordination with the City of Oakland Planning Bureau. Upon close examination, the Staff identified a number of issues and mapping ambiguities with the current VHFHSZ layer issued by the State and imposed over City's base maps. The mapping ambiguities include a) VHFHSZ boundary alignment issues with some lot lines, road centerlines, zoning boundaries and the City boundary; and b) issues stemming from the inherent low resolution of the VHFHSZ layer. The staff is working on finalizing the maps by resolving any ambiguities. Updated maps will be presented to the City Council and will be available with the Staff Report prior to the City Council meeting.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff requests that the Planning Commission

1. Affirm Staff’s environmental determination; and
2. Recommend that the City Council approve the proposed Planning Code Amendment and Zoning Map amendments related to Secondary Units, now referred to as Accessory Dwelling Units.

Prepared by:



Ruslan Filipau, Planner III

Reviewed by:



Laura Kaminski, Acting Strategic Planning Manager

Approved for forwarding to the City Planning Commission by:



Edward Manasse (May 27, 2021 20:50 PDT)

Ed Manasse, Deputy Director of Planning

ATTACHMENTS:

- A. Proposed Planning Code Amendments.
- B. Map of Proposed Amendment of S-9 Safety Protection Combining Zone to match the California Department of Forestry and Fire Protection “Very High Fire Hazard Safety Zone.”
- C. Annotated screenshot of *Zonehaven* software model.
- D. Excerpts from Oakland Local Hazard Mitigation Plan.
- E. Brief Staff Analysis and Excerpts from Vegetation Management Plan.
- F. Map of Open Space Areas within the VHFHSZ.
- G. Letter from Fire Chief.
- H. Letter from Director of Interdepartmental Operations, Office of the City Administrator.

PROPOSED PLANNING CODE AMENDMENTS

The following are the Planning Code amendments proposed by staff. Deletions are in ~~strike out~~ and additions are underlined. Text highlighted in yellow indicates changes made since the Zoning Update Committee that was on April 15, 2021.

Chapter 17.09 DEFINITIONS

Sections:

17.09.040 Definitions.

"Mini-lot Planned Unit Development" or "Mini-Lot PUD" means a comprehensively designed development containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located.

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

- A. "Junior Accessory Dwelling Unit" or "JADU"** means an Accessory Dwelling Unit that is contained entirely within the building envelope of an existing or proposed One-Family Residential Facility. It may include separate sanitation facilities or may share sanitation facilities with the primary Residential Facility, but must contain an efficiency kitchen. A JADU is not allowed as a conversion of detached or attached accessory structures. No expansion of building envelope is allowed except for an expansion of up to one hundred fifty (150) square feet for the exclusive purpose of ingress and egress to the JADU. Owner occupancy is required in the JADU or the primary Residential Facility. The owner of the JADU is required to record a deed restriction setting forth these requirements.
- B. "One-Family Category One ADU"** means an Accessory Dwelling Unit that is a conversion of space within a One-Family Residential Facility or an associated accessory structure, legally existing as of January 1, 2020, or an associated accessory structure that is rebuilt pursuant to the requirements set forth in Table 17.103.01 of Section 17.103.080, in the same location and to the same dimension as an accessory structure, legally as of January 1, 2020. No expansion of building envelope except for an expansion of up to one hundred fifty (150) square feet is permitted for the exclusive purpose of ingress and egress to the ADU.
- C. "One-Family Category Two ADU"** means a newly constructed attached or detached Accessory Dwelling Unit on a lot with an existing or proposed One-Family Dwelling Residential Facility. A One-Family Category Two ADU may include an exterior addition to an existing primary One-Family Residential Facility for the purposes of accommodating the ADU.

D. "Multifamily Category One ADU" means an Accessory Dwelling Unit that is a conversion of existing, non-habitable space, such as storage rooms, boiler rooms, passageways, attics, basements or garages located within portions of Two-Family or Multifamily Dwelling Facilities legally existing as of January 1, 2020. Non-habitable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any finished spaces that are meant to be occupied by people and used communally.

E. "Multifamily Category Two ADU" means a newly constructed detached Accessory Dwelling Unit, or a conversion of an existing detached accessory structure, on a lot with existing Two-Family or Multifamily Dwelling Facilities legally existing as of January 1, 2020. The converted detached Category Two ADU(s) is either: (a) within the building envelope of an existing detached accessory structure and involves no expansion of existing building envelope; or (b) within a rebuilt detached accessory structure built in the same location and to the same exterior dimension as the existing detached accessory structure(s).

F. "Junior Accessory Dwelling Unit", see Accessory Dwelling Unit.

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

Chapter 17.10 USE CLASSIFICATIONS

Sections:

Article I - General Classification Rules

Article II - Activity Types

Part 1 - Residential Activity Types

Article III - Facility Types

Part 1 - Residential Facility Types

Article I General Classification Rules

17.10.060 Listing of facility classifications.

17.10.060 Listing of facility classifications.

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

A. Residential Facilities:

One-Family Dwelling

~~One-Family Dwelling with Secondary Unit~~

Article II Activity Types

Part 1 Residential Activity Types

17.10.125 Bed and Breakfast Residential Activities.

17.10.125 Bed and Breakfast Residential Activities.

A. The activity occupies a One-Family Dwelling Residential Facility, ~~One-Family Dwelling with Secondary Unit Residential Facility,~~ or a Two-Family Dwelling Residential Facility;

Article III Facility Types

Part 1 Residential Facility Types

17.10.640 One-Family Dwelling Residential Facilities.

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

17.10.670 Two-Family Dwelling Residential Facilities.

17.10.680 Multifamily Dwelling Residential Facilities.

17.10.690 Rooming House Residential Facilities.

17.10.640 One-Family Dwelling Residential Facilities.

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

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

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

17.10.670 Two-Family Dwelling Residential Facilities.

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

17.10.680 Multifamily Dwelling Residential Facilities.

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

Chapter 17.13 RH HILLSIDE RESIDENTIAL ZONES REGULATIONS

Sections:

17.13.040 Permitted and conditionally permitted facilities.

17.13.050 Property development standards.

17.13.040 Permitted and conditionally permitted facilities.

Table 17.13.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Residential Facilities					
One-Family Dwelling	P	P(L1)	P(L1)	P(L1)	17.103.080
One-Family Dwelling with Secondary Unit	P	P	P	P	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Multifamily Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Telecommunications Facilities					
Monopole Telecommunications	C(L24)	C(L24)	C(L24)	C(L24)	17.128

Limitations on Table 17.13.01:

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

L2.L1. Monopole Telecommunications Facilities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, the proposal must meet the following use permit criterion:

- a1. There is no existing structure that can accommodate the proposed antenna. To meet this criterion, the applicant must provide a site alternative plan that demonstrates that there is no existing structure that can accommodate the antenna.

17.13.050 Property development standards.

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

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Lot Dimensions					
Maximum Density	1 primary dwelling unit per lot				4
Minimum Setbacks					
Minimum front (≤20% street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	<u>4</u> , 5, 6
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	<u>4</u> , 5, 6, 7
Minimum interior side ≤20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	<u>4</u> , 8, 9
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	<u>4</u> , 8, 9
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	<u>4</u> , 5, 10
Rear	35 ft.	35 ft.	25 ft.	20 ft.	<u>4</u> , 7, 10, 11
Maximum Lot Coverage and Floor Area Ratio (FAR)	See Table 17.13.04				
Height Regulations for All Lots with a Footprint Slope of ≤20%					
Maximum wall height primary building	25 ft.	25 ft.	25 ft.	25 ft.	<u>4</u> , 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	30 ft.	<u>4</u> , 13, 14
Maximum height for accessory structures	15 ft.	15 ft.	15 ft.	15 ft.	<u>4</u> , 13, 14
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.13.05 for Height regulations for all lots with a footprint slope of >20%				<u>4</u>
Maximum Wall Length Before Articulation Required	40 ft.	40 ft.	40 ft.	40 ft.	<u>4</u> , 15
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<u>4</u> , 16, 17

Additional Regulations for Table 17.13.03:

~~4. See Section 17.103.080 and Chapter 17.88 for development standards applicable to permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.~~

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

17.13.060 Special regulations for Planned Unit Developments.

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

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

Editor's note—

Ord. No. 13172, § 3(Exh. A), adopted July 2, 2013, changed the title of Section 17.13.060 from "Special regulations for mini-lot and planned unit developments" to "Special regulations for planned unit developments." The historical notation has been preserved for reference purposes.

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

17.15.040 Permitted and conditionally permitted facilities.

17.15.050 Property development standards.

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

17.15.040 Permitted and conditionally permitted facilities.**Table 17.15.02: Permitted and Conditionally Permitted Facilities**

Facilities	Zones		Additional Regulations
	RD-1	RD-2	
Residential Facilities			
One-Family Dwelling	P(L1)	P(L1)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	P	P	17.103.080
Two-Family Dwelling	(L1)	C(L1)	<u>17.103.080</u>
Multifamily Dwelling	(L1)	(L1)	<u>17.103.080</u>

Limitations on Table 17.15.02:

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

17.15.050 Property development standards.**A. Zone Specific Standards.****Table 17.15.03: Property Development Standards**

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Maximum Density			
Permitted density	1 primary dwelling unit per lot	1 primary dwelling unit per lot	3, 4
Conditionally permitted density	N/A	2 units on lots 6,000 sf_ or greater	3, 5
Minimum Setbacks			

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Minimum front (<20% street-to-setback gradient)	20 ft.	20 ft.	6
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	6, 7, 8
Minimum interior side <20% footprint slope	5 ft.	5 ft.	9, 10
Minimum interior side >20% footprint slope	5 ft./10%	5 ft.	9, 10, 11
Minimum street side	5 ft.	5 ft.	8, 9, 12
Rear	20 ft.	15 ft.	9, 13, 14
Reduced Setbacks for Smaller Lots	See Table 17.15.04 for reduced setbacks for smaller lots		
Floor Area Ratio (FAR) and Lot Coverage	See Table 17.15.05		
Height Regulations for All Lots with a Footprint Slope of <20%			
Maximum wall height primary building	25 ft.	25 ft.	14, 16
Maximum pitched roof height primary building	30 ft.	30 ft.	14, 16
Maximum height for accessory structures	15 ft.	15 ft.	14, 16
Height Regulations for all Lots with a Footprint Slope of >20%	See Table 17.15.06 for Height regulations for all lots with a footprint slope of >20%		

Development Standards	Zones		Additional Regulations
	RD-1	RD-2	
Maximum Wall Length Before Articulation Required	40 ft.	40 ft.	17
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements		<u>3, 18, 19</u>
Minimum Open Space			
Group open space per Primary Unit	N/A	300 sf	<u>2019</u>
Group open space per Primary Unit when private open space substituted	N/A	100 sf	<u>2019</u>

Additional Regulations for Table 17.15.03:

- 3. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
- 4. See Section 17.103.080 and Chapter 17.88 for development standards applicable to permitted Accessory Dwelling Units. ~~A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080.~~
- ~~19. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. Additional parking regulations that apply to Secondary Units are provided in Section 17.103.080.~~
- ~~20-19.~~ Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount of one hundred (100) square feet per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

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

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that otherwise apply to individual lots in the RD-4 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the RD Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD

permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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

Chapter 17.17 RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS

Sections:

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

17.17.040 Permitted and conditionally permitted facilities.

Table 17.17.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	RM-1	RM-2	RM-3	RM-4	C*	
Residential Facilities						
One-Family Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	P(L1)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	P	P	P	P	P	17.103.080
Two-Family Dwelling	C(L1)	P(L1)	P(L1)	P(L1)	Same as underlying zone	<u>17.103.080</u>
Multifamily Dwelling	(L1)	C(L1)	C(L1)	P(L1)	Same as underlying zone	<u>17.103.080</u>

Limitations on Table 17.17.02:

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

L1. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. Also, see Table 17.17.03, Property Development Standards, for additional regulations on this density.

17.17.050 Property development standards.

A. Zone Specific Standards.

Table 17.17.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
Minimum Setbacks for Lots Equal to or Greater than Four Thousand (4,000) Square Feet					
Minimum front (≤20% street-to-setback gradient)	20 ft.	20 ft.	15 ft.	15 ft.	4, 5, 7
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	4, 5, 6, 7
Floor Area Ratio (FAR) and Lot Coverage for 1 or 2 Units	See Table 17.17.05 for FAR and maximum FAR and lot coverage for <u>one</u> ⁴ or <u>two</u> ² dwelling units, <u>excluding any permitted Accessory Dwelling Units</u>				<u>19, 20</u>
Maximum Lot Coverage for 3 or More Units	N/A	40%	50%	N/A	<u>19, 20</u>
Height Regulations for All Lots with a Footprint Slope of <20%					
Maximum wall height primary building	25 ft.	25 ft.	30 ft.	35 ft.	12, 13, 14
Maximum pitched roof height primary building	30 ft.	30 ft.	30 ft.	35 ft.	12, 13, 14
<u>Minimum height of ground floor Nonresidential Facilities</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>21</u>
Height Regulations for all Lots	See Table 17.17.06 for Height regulations for all lots with a footprint slope of >20%				

Development Standards	Zones				Additional Regulations
	RM-1	RM-2	RM-3	RM-4	
with a Footprint Slope of > 20%					
Maximum Wall Length Before Articulation Required for all Lots with a Footprint Slope of > 20%	40 ft.	40 ft.	40 ft.	40 ft.	<u>1415</u>
Minimum Parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking requirements				<u>15, 16, 17</u>
Minimum Open Space					
Group open space per <u>R</u> regular <u>U</u> nit	300 sf.	300 sf.	200 sf.	175 sf.	<u>1819</u>
Group open space per <u>R</u> regular <u>U</u> nit when private open space substituted	100 sf.	100 sf.	85 sf.	70 sf.	<u>1819</u>

Additional Regulations for Table 17.17.03:

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

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

~~17.18. Unless otherwise specified in Section 17.103.080, one (1) parking space for the Secondary Unit is required in addition to any required parking spaces for the Primary Unit. See Section 17.103.080 for aAdditional parking regulations that apply to SecondaryAccessory Dwelling Units, are provided in Section 17.103.080.~~

~~18.19. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.~~

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

~~20. Lots less than five thousand (5,000) square feet may have a lot coverage of up to two thousand (2,000) square feet regardless of lot coverage percentage (%) listed.~~

~~21. This height is only required for new principal buildings that include ground floor Nonresidential Facilities, and is measured from the sidewalk grade to the second story floor. If the Nonresidential Facility is to be located to the front of a Potentially Designated Historic Property (PDHP) or Designated Historic Property (DHP), this height shall also be the maximum allowed for a Nonresidential Facility in the area between the front property line and the front building elevation of the existing historic structure.~~

C. Floor Area Ratio (FAR) and Lot Coverage for One- and Two-Family Dwelling Units Only.

Table 17.17.05 below prescribes FAR and lot coverage standards for one or two dwelling units associated with the lot sizes listed, excluding any permitted Accessory Dwelling Units. The numbers in the "Additional Regulations" column refer to the regulations listed at the end of the Table.

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

Additional Regulations for Table 17.17.05:

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

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

A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-lot PUDs), certain regulations that otherwise apply to individual lots in the RM Zones may be waived or modified when and as prescribed in Chapter 17.142.

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

permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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

|

Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.030 Permitted and conditionally permitted activities.

17.19.040 Permitted and conditionally permitted facilities.

17.19.050 Property development standards.

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

17.19.040 Permitted and conditionally permitted facilities.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.19.02:

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

17.19.050 Property development standards.

A. Zone Specific Standards.

Table 17.19.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Maximum Residential Density						

Development Standards	Zones					Additional Regulations
	RU-1	RU-2	RU-3	RU-4	RU-5	
Permitted density for <u>R</u> regular <u>D</u> welling <u>U</u> nits	1 unit per 1,100 sf. of lot area	1 unit per 800 sf. of lot area	1 unit per 450 sf. of lot area	See Table 17.19.04	See Table 17.19.04	2
Permitted density for <u>R</u> ooming <u>U</u> nits	N/A	<u>1 unit per 800 sf. of lot area</u>	<u>1 unit per 450 sf. of lot area</u>	<u>See Table 17.19.04</u>	<u>See Table 17.19.04</u>	
Height Regulations						
Minimum height of ground floor Nonresidential Facilities	N/A	N/A	N/A	<u>15 ft. 12 ft.</u>	<u>15 ft. 12 ft.</u>	12

Additional Regulations for Table 17.19.03:

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

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

19. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

B. Height, Floor Area Ratio (FAR), Density, and Open Space for the RU-4 and RU-5 Zones Only.

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

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
Maximum Height	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	120 ft.	1, 2
Height Minimum							

Regulation	Height Area						Additional Regulations
	35	45	60	75	90	120	
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular Dwelling Units Maximum Residential Density (square feet of lot area required per unit)	550 sf.	450 sf.	375 sf.	275 sf.	225 sf.	225 sf.	4, 5
Rooming Units	<u>550 sf.</u>	<u>450 sf.</u>	<u>375 sf.</u>	<u>275 sf.</u>	<u>225 sf.</u>	<u>225 sf.</u>	<u>4, 5</u>
Maximum Nonresidential FAR	2.0	2.5	3.0	4.0	4.0	4.0	4, 5
Minimum Usable Open Space							
Group usable open space per <u>R</u> regular <u>U</u> nit	150 sf.	150 sf.	150 sf.	150 sf.	100 sf.	100 sf.	6
Group usable open space per <u>R</u> regular <u>U</u> nit when private open space substituted	30 sf.	30 sf.	30 sf.	30 sf.	20 sf.	20 sf.	6
Group usable open space per <u>R</u> ooming <u>U</u> nit	75 sf.	75 sf.	75 sf.	75 sf.	50 sf.	50 sf.	6
Group usable open space per <u>R</u> ooming <u>U</u> nit when private open space is substituted	15 sf.	15 sf.	15 sf.	15 sf.	10 sf.	10 sf.	6

Additional Regulations for Table 17.19.04:

- 4. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
- 6. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

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

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

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

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

Sections:

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

17.30.070 Permitted facilities.

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

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

17.30.140 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a **primary** dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Subsection 17.102.270.B and an Accessory Dwelling Secondary Unit.

- A. Permitted Density.
 1. Regular Dwelling Units. One (1) Regular Dwelling Unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

3. Rooming Units. One (1) ~~R~~rooming ~~U~~unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwelling. ~~A One-Family Dwelling or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

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

1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

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

17.30.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per ~~R~~regular ~~D~~dwelling ~~U~~unit plus ~~one hundred (100) square feet per E~~efficiency ~~D~~dwelling ~~U~~unit plus seventy-five (75) square feet per ~~R~~rooming ~~U~~unit or Efficiency Dwelling Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the R-80 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the R-80 Zone, and certain

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

- C. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134. This requirement shall not apply to developments where a valid Planned Unit Development permit is in effect.

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

Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

Sections:

17.33.040 Permitted and conditionally permitted facilities.

17.33.050 Property development standards.

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

17.33.040 Permitted and conditionally permitted facilities.

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	<u>17.103.080</u>
Multifamily Dwelling	P(L1)(L2)	P(L1)(L2)	P(L1)(L3)	P(L1)	<u>17.103.080</u>

Limitations on Table 17.33.02:

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

17.33.050 Property development standards.

Table 17.33.03: Property Development Standards

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

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

Additional Regulations for Table 17.33.03:

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

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

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

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

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

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

Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular <u>Units</u>	550	Same density regulations as	450	375	275	225	4, 5, 6

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

Additional Regulations for Table 17.33.04:

- 4. See Chapter 17.107 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. ~~A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080.~~ Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
- 6. In the 35* height area, residential developments are subject to the same residential density and open space regulations as the adjacent RH, RD, or RM Zone, except that One-Family Dwellings, along with one or more Accessory Dwelling Units as specified in Section 17.103.080, are permitted in the 35* height area regardless of the residential density regulations in the adjacent Zone (see also Table 17.33.02). When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.
- 7. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding

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

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

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

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

Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

Sections:

17.35.040 Permitted and conditionally permitted facilities.

17.35.050 Property development standards.

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

17.35.040 Permitted and conditionally permitted facilities.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.35.02:

L1. See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted in the CC-1 and CC-2 Zones when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88. A Secondary Unit is permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080.

L2. Construction of new ground floor Residential Facilities is only permitted if part of a development that has a majority of the ground floor area is devoted to Commercial Activities.

L7. All new Residential Facilities are prohibited in the CC-3 Zone, except for ~~Secondary Units that meet all requirements set forth in Section 17.103.080 and are located on a lot with an existing One-Family Dwelling, as indicated in Limitation L1 above, and for those facilities approved in conjunction with serving a permitted or conditionally permitted Emergency Shelter Activity, as indicated in Table 17.35.01.~~

L8. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.35.050 Property development standards.

A. Zone Specific Standards.

Table 17.35.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Design Regulations				
Minimum ground floor nonresidential facade transparency of ground floor Nonresidential Facilities	N/A	55%	N/A	9
Minimum height of ground floor Nonresidential Facilities	<u>15 ft. N/A</u>	<u>15 ft. 12 ft.</u>	<u>15 ft. N/A</u>	10

Additional Regulations for Table 17.35.03:

9. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to facades facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor activity commercial space, residential space, or lobbies (see Illustration for Table 17.35.03 [Additional Regulation 9], below). Areas required for garage doors shall not be included in the calculation of facade area (see Additional Regulation Note-12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

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

12. For the construction of new principal buildings in the CC-2 Zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within thirty (30) feet of the front of the principal building, of the principal street except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for non-active spaces that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Additional Regulation Note-11, above.

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

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

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

Regulation	Height Area								Additional Regulations
	35	45	55	60	75	90	120	160	
Maximum Height	35 ft.	45 ft.	<u>55</u> ft.	60 ft.	75 ft.	90 ft.	120 ft.	160 ft.	1, 2
Height Minimum									
Permitted height minimum	N/A	N/A	<u>35</u> ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	<u>25</u> ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)									
Regular <u>U</u> nits	550	450	<u>375</u>	375	275	225	225	225	4, 5
Rooming <u>U</u> nits	275	225	<u>185</u>	185	135	110	110	110	4, 5
Maximum Nonresidential FAR	2.0	2.5	<u>3.0</u>	3.0	4.0	4.5	5.0	5.0	4, 5
Maximum number of stories (not including underground construction)	3	4	<u>5</u>	5	7	8	11	15	
Minimum Usable Open Space									
Group usable open space per <u>R</u> regular <u>U</u> nit	150	150	<u>150</u>	150	150	100	100	100	6
Group usable open space per <u>R</u> regular <u>U</u> nit when private open space substituted	30	30	<u>30</u>	30	30	20	20	20	6
Group usable open space per <u>R</u> rooming <u>U</u> nit	75	75	<u>75</u>	75	75	50	50	50	6
Group usable open space per <u>R</u> rooming <u>U</u> nit when private open space is substituted	15	15	<u>15</u>	15	15	10	10	10	6

Additional Regulations for Table 17.35.04:

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

6. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

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

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

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

Chapter 17.37 CR REGIONAL COMMERCIAL ZONES REGULATIONS

Sections:

- 17.37.030 Permitted and conditionally permitted activities.
- 17.37.040 Permitted and conditionally permitted facilities.
- 17.37.050 Property development standards.
- 17.37.060 Special regulations for Mini-Lot and Planned Unit Developments.

17.37.030 Permitted and conditionally permitted activities.

Table 17.37.01: Permitted and Conditionally Permitted Activities

Activities	Zone	Additional Regulations
	CR-1	
Residential Activities		
Residential Care	—	
Emergency Shelter	C(L1)	17.103.010
Semi-Transient	C(L1)	

Limitations on Table 17.37.01:

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

17.37.040 Permitted and conditionally permitted facilities.

Table 17.37.02: Permitted and Conditionally Permitted Facilities

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

Limitations on ~~for~~ Table 17.37.02:

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

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

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

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

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

Chapter 17.54 C-40 COMMUNITY THOROUGHFARE COMMERCIAL ZONE REGULATIONS
Sections:

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

17.54.070 Permitted facilities.

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

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

17.54.130 Maximum residential density.

The maximum density of Residential Facilities shall be as set forth below, subject to the provisions of Section 17.106.030 with respect to maximum density on lots containing both Residential and Nonresidential Facilities. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270 and a Category One Accessory Dwelling Unit or Junior Accessory Dwelling Unit (JADU) within the existing primary residential structure. ~~No Residential Facility shall be permitted to have both an additional kitchen as provided for in Section 17.102.270.B and an Accessory Dwelling Secondary Unit.~~

- A. Permitted Basic-Density.
 1. Regular Dwelling Units. One (1) ~~R~~regular ~~D~~dwelling ~~U~~unit is permitted for each four hundred fifty (450) square feet of lot area, provided that one extra such unit is permitted if a remainder of three hundred (300) square feet or more is obtained after division of the lot area by four hundred fifty (450) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
 3. Rooming Units. One (1) Rooming Unit is permitted ~~The maximum number of rooming units shall be one~~ for each two hundred twenty-five (225) square feet of lot area, plus one extra such unit if a remainder of one hundred fifty (150) square feet or more is obtained after division of the lot area by two hundred twenty-five (225) square feet.

4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units allowed heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.

5. One-Family Dwelling. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. Conditionally Permitted Density. Bonuses.—The number of living units allowed by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of a Conditional Use Permit pursuant to the Conditional Use Permit procedure in Chapter 17.134, in each of the following situations:

1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

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

17.54.170 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, plus one hundred (100) square feet per Efficiency Dwelling Unit, plus seventy-five (75) square feet per Rooming Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020, except that actual group space shall be provided in the minimum amount of thirty (30) square feet per Regular Dwelling Unit, plus twenty (20) square feet per Efficiency Dwelling Unit, plus fifteen (15) square feet per Rooming Unit. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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

A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the C-40 Zone may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-40 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD

permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 4573)

Chapter 17.56 C-45 COMMUNITY SHOPPING COMMERCIAL ZONE REGULATIONS

Sections:

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

17.56.070 Permitted facilities.

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

A. Residential Facilities:

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

17.56.140 Maximum residential density.

A. Permitted Density.

1. Regular Dwelling Units. One (1) ~~R~~regular ~~D~~dwelling ~~U~~unit is permitted for each three hundred (300) square feet of lot area, provided that one (1) extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
3. Rooming Units. One (1) ~~R~~rooming ~~U~~unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwelling. A One-Family Dwelling ~~or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

B. Conditionally Permitted Density. The number of living units permitted by Subsection A. of this Section may be increased by not to exceed fifty percent (50%) upon the granting of

a Ceonditional Use Permit pursuant to the Ceonditional Use Permit procedure in Chapter 17.134, in each of the following situations:

- 1. In the case of a Residential Facility with more than four (4) stories containing living units, subject to the provisions of Section 17.106.040;
- 2. Upon the acquisition of development rights from nearby lots, subject to the provisions of Section 17.106.050.

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

17.56.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, plus one hundred (100) square feet per Efficiency Dwelling Unit, plus seventy-five (75) square feet per Rooming Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the C-45 Zone may be waived or modified when and as prescribed in Section 17.102.320.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the C-45 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. 12872 § 4 (part), 2008; prior planning code § 4623)

Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

Sections:

17.58.050 Permitted and conditionally permitted facilities.

17.58.070 Usable open space standards.

17.58.050 Permitted and conditionally permitted facilities.

Table 17.58.02: Permitted and Conditionally Permitted Facilities

Activities	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
—One Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	P(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
Multifamily Dwelling	P(L1)	P(L1)	P(L1)	P(L1)	<u>17.103.080</u>

Limitations on Table 17.58.02:

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

17.58.060 Property development standards.

A. Zone Specific Standards.

Table 17.58.03: Property Development Standards

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

Development Standards	Zones				Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	7

Additional Regulations for Table 17.58.03:

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

17.58.070 Usable open space standards.

C. **Standards.** All required usable open space shall be permanently maintained and shall conform to the following standards:

1. Area. On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, usable open space shall be provided for such facilities at a rate of seventy-five (75) square feet per Regular Dwelling Unit and thirty-eight (38) square feet per Rooming Unit.
2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.58.05: Required Dimensions of Usable Open Space

Notes for Table 17.58.05:

Chapter 17.65 HBX HOUSING AND BUSINESS MIX COMMERCIAL ZONES REGULATIONS

Sections:

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

17.65.030 Permitted, conditionally permitted, and prohibited activities.

The following table lists the permitted, conditionally permitted, and prohibited activities in the HBX Zones. The descriptions of these activities are contained in Chapter 17.10. A legally constructed facility shall be allowed to contain or be converted to contain any activities listed as permitted in the table below if they meet all applicable regulations.

Table 17.65.01: Permitted, Conditionally Permitted, and Prohibited Activities

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

Limitations on Table 17.65.01:

17.65.040 Permitted and conditionally permitted facilities.

Table 17.65.02: Permitted and Conditionally Permitted Facilities

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

Limitation on Table 17.65.02:

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

17.65.070 Maximum density.

The following table contains the maximum number of living units allowed per lot for the zones in this Chapter.

Living Unit Type	Zone			
	HBX-1	HBX-2	HBX-3	HBX-4

Notes:

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

17.65.120 Minimum usable open space.

The following table contains the minimum usable open space requirements per dwelling unit for the zones in this Chapter.

Zone			
HBX-1	HBX-2	HBX-3	HBX-4

Notes:

Usable open space is only required on lots with two (2) or more dwelling units, ~~excluding and not required for a One-Family Dwelling with Secondary~~ any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot.

17.65.130 Landscaping, paving, and buffering.

A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility (see Section 17.09.040 for definition), excluding ~~Secondary~~ any permitted Accessory Dwelling Units, and for additions to existing building facilities of over five hundred (500) square feet.

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

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; Ord. 12772 § 1 (part), 2006)

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

Sections:

17.72.040 Permitted and conditionally permitted facilities.

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

17.72.040 Permitted and conditionally permitted facilities.

Table 17.72.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	M-20	M-30	M-40	
Residential Facilities				
One-Family Dwelling	—	—(L4)	—	17.103.015
One-Family Dwelling with Secondary Unit	—	—(L4)	—	17.103.080
Two-Family Dwelling	—	—(L4)	—	17.103.015
Multifamily Dwelling	—	—(L4)	—	17.103.015

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

- A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the M-20, M-30, and M-40 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the M-20, M-30, and M-40 Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

Chapter 17.74 S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS

Sections:

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

17.74.050 Permitted facilities.

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

A. Residential Facilities:

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

17.74.120 Maximum residential density.

A. Permitted Density.

1. Regular Dwelling Units. One (1) ~~R~~regular ~~D~~dwelling ~~U~~unit is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
3. Rooming Units. One (1) ~~R~~rooming ~~U~~unit is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each. The number of living units permitted heretofore may be exceeded by ten percent (10%) on any corner lot, and may also be exceeded by ten percent (10%) on any lot which faces or abuts a public park at least as wide as the lot.
5. One-Family Dwelling. ~~A One-Family Dwelling or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.74.160 Minimum usable open space.

On each lot containing Residential Facilities with a total of two or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Rregular Dwelling Unit, plus one hundred (100) square feet per Eefficiency Dwelling Unit, plus seventy-five (75) square feet per Rrooming Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-1 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-1 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. 12872 § 4 (part), 2008; prior planning code § 6123)

Chapter 17.76 S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS

Sections:

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

17.76.070 Permitted facilities.

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

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

17.76.140 Maximum residential density.

- A. Permitted Density.
 1. Regular Dwelling Units. One (1) ~~Regular Dwelling Unit~~ is permitted for each three hundred (300) square feet of lot area, provided that one extra such unit is permitted if a remainder of two hundred (200) square feet or more is obtained after division of the lot area by three hundred (300) square feet. See Section 17.103.080 and Chapter 17.88 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.
 3. Rooming Units. One (1) ~~Rooming Unit~~ is permitted for each one hundred fifty (150) square feet of lot area, provided that one extra such unit is permitted if a remainder of one hundred (100) square feet or more is obtained after division of the lot area by one hundred fifty (150) square feet.
 4. Combination of different types of living units. For a combination of different types of living units, the total required lot area shall be the sum of the above requirements for each.
 5. One-Family Dwelling. ~~A One-Family Dwelling or a One-Family Dwelling with Secondary Unit~~ is permitted on any lot which qualifies under Section 17.106.010 as an existing buildable parcel and that contains no other dwelling units. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.76.180 Minimum usable open space.

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, group usable open space shall be

provided for such facilities in the minimum amount of one hundred fifty (150) square feet per Regular Dwelling Unit, plus one hundred (100) square feet per Efficiency Dwelling Unit, plus seventy-five (75) square feet per Rooming Unit. Private usable open space may be substituted for such group space in the ratio prescribed in Section 17.126.020. All required space shall conform to the standards for required usable open space in Chapter 17.126.

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

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain of the regulations otherwise applying to individual lots in the S-2 Zone may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-2 Zone, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.
- C. **Large-Scale Developments.** No development which involves more than one hundred thousand (100,000) square feet of new floor area, or a new building or portion thereof of more than one hundred twenty (120) feet in height, shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134. This requirement shall not apply to development where a valid Planned Unit Development permit is in effect.

Chapter 17.88 S-9 FIRE SAFETY PROTECTION COMBINING ZONE REGULATIONS

Sections:

17.88.010 Title, Purpose and Applicability.

17.88.040 Prohibited land uses.

17.88.010 Title, Purpose and Applicability.

The intent of the S-9 Fire Safety Protection Combining Zone is to promote the public health, safety and welfare by ensuring that activities and facilities that are located, in whole or part, within Very High Fire Hazard Severity Zones (VHFHSZs) as designated by the California Department of Forestry and Fire Protection (CAL FIRE), and accessed from streets or cul-de-sacs that do not meet emergency access standards, develop in such a manner as not to be a serious threat to public health or safety. The S-9 Fire Safety Protection Combining Zone is based on the VHFHSZ boundary and is subject to an automatic change according to any changes by CAL FIRE to VHFHSZ maps. If any part of a parcel falls within the VHFHSZ, the entire parcel is considered to be within the boundary of the VHFHSZ.

17.88.040 Prohibited land uses.

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

- A. ~~Category Two Secondary~~ Accessory Dwelling Units and JADUs, as defined in Sections 17.09.040 and 17.103.080.

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

Sections:

17.92.060 Limitations on residential density.

17.92.060 Limitations on residential density.

- A. Overall Density. The maximum overall number of dwelling units within any development shall be whichever of the following is applicable and lowest:
 - 1. The number of dwelling units implied by the applicable basic zone's minimum lot area requirement, and defined in the same manner as prescribed in Subsection A. of Section 17.142.110 and the first three sentences of Subsection B. of Section 17.142.110.
 - 2. In the case of those properties for which the Site Development Map of the North Oakland Hill Area Specific Plan depicts siting of dwelling units, the number of dwelling units indicated by that map.
 - 3. In the case of those properties where dwelling units are not shown on the Site Development Map of the North Oakland Hill Area Specific Plan, the lowest number of dwelling units derived from:
 - a. Dividing the street frontage of the property by the minimum lot width mean requirement in the respective Residential Zone; and
 - b. Counting the number of legally platted lots within the proposed development area; and
 - c. Analyzing the project under the Regular Design Revision process to affirm or lower the maximum theoretical density pursuant to Sections 17.92.030 and 17.92.050.

One through three above shall not be deemed to preclude such additional ~~Secondary~~ Accessory Dwelling Units in the S-11 Zone as may be approved in accordance with the standards, criteria and conditions in Section 17.103.080 and Chapter 17.88.

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

Sections:

17.97.050 Permitted and conditionally permitted facilities.

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

17.97.050 Permitted and conditionally permitted facilities.

Table 17.97.02: Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.97.02:

L1. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

L2. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing primary Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

L3. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit that meets all requirements set forth in Section 17.103.080 is permitted in conjunction with an existing One-Family Dwelling in the S-15 and S-15W Zones, or conditionally permitted in conjunction with a new One-Family Dwelling in the S-15 Zone.

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

Table ~~17.97.04~~ 17.97.04 below prescribes height, FAR, density, and open space standards associated with the S-15 and S-15W Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified Height Area.

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

Regulation	Height Area	
------------	-------------	--

	35	45	55	60	75	90	100	120	140	160	Additional Regulations
Minimum Usable Open Space											
Group usable open space per <u>R</u> regular <u>U</u> nit	150	150	150	150	100	100	75	75	75	75	6
Group usable open space per <u>R</u> regular <u>U</u> nit when private open space substituted	30	30	30	30	20	20	15	15	15	15	6
Group usable open space per <u>R</u> ooming <u>U</u> nit	75	75	75	75	50	50	38	38	38	38	6
Group usable open space per <u>R</u> ooming <u>U</u> nit when private open space is substituted	15	15	15	15	10	10	8	8	8	8	6

Additional Regulations for Table ~~17.97.04~~ ~~17.97.01~~:

1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table ~~17.97.04~~ ~~17.97.01~~ [Additional Regulation 1], below).

Illustration for Table ~~17.97.04~~ ~~17.97.01~~ [Additional Regulation 1]

*for illustration purposes only

2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table ~~17.97.04~~ ~~17.35.04~~ [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration Table ~~17.97.04~~ ~~17.35.04~~ [Additional Regulation 2]

*for illustration purposes only

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

6. Usable open space is only required on lots with two (2) or more dwelling units, excluding any permitted Accessory Dwelling Units. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit, excluding any permitted Accessory Dwelling Units. All usable open space shall meet the standards contained in Chapter 17.126.

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

- A. **Mini-Lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the S-15 Zones may be waived or modified when and as prescribed in Chapter 17.142.
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the S-15 Zones, and certain of the other regulations applying in said zone may be waived or modified. The normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

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

Sections:

17.99.050 Usable open space standards for residential development.

17.99.050 Usable open space standards for residential development.

All required usable open space shall be permanently maintained and shall conform to the following standards:

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

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

Sections:

17.101C.050 - Property development standards.

17.101C.040 - Permitted and conditionally permitted facilities.

Table 17.101C.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Residential Facilities						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)(L11)	—(L1)	<u>17.103.080</u>
Multifamily Dwelling	C(L2)(L11)	P(L3)(L11)	P(L4)(L11)	P(L11)	P(L5)(L11)	<u>17.103.080</u>

Limitations on Table 17.101C.02:

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

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

17.101C.050 - Property development standards.

A. Zone Specific Standards.

Table 17.101C.03: Property Development Standards

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

Additional Regulations for Table 17.101C.03:

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

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

Table 17.101C.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
Maximum Residential Density (square feet of lot area required per dwelling unit)									
Regular Units	450	N/A	375	275	275/200	200	200/150	90	3, 5, 6
Rooming Units	225	N/A	185	135	135/100	100	100/75	45	3, 5, 6

Additional Regulations for Table 17.101C.04:

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

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

D. Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space. Table 17.101C.06 below prescribes height, FAR, residential bonus, and open space, standards associated with the minimum retail area required in the Retail Priority Sites described in Table 17.101C.05 above. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates the regulation is not applicable to the specified retail percentage category.

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

Additional Regulations for Table 17.101C.06:

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

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

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

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

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

Sections:

17.101D.040 Permitted and conditionally permitted facilities.

17.101D.040 Permitted and conditionally permitted facilities.

Table 17.101D.02 Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.101D.02:

L1. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L2. No Conditional Use Permit (CUP) is required for Open Nonresidential Facilities to accommodate Civic Activities, seasonal sales, or special events.

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

Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

Sections:

17.101E.040 Permitted and conditionally permitted facilities.

17.101E.050 Property development standards.

17.101E.040 Permitted and conditionally permitted facilities.

Table 17.101E.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Residential Facilities							
One-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	P(L5)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
Multifamily Dwelling	—(L1)	—(L1)	P(L5)	P(L5)	—(L1)	—(L1)	<u>17.103.080</u>

Limitations on Table 17.101E.02:

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

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

17.101E.050 Property development standards.

A. Zone Specific Standards.

Table 17.101E.03 Property Development Standards

Development Standards	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	

Additional Regulations for Table 17.101E.03:

3. In the D-CE-3 and D-CE-4 Zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

9. In the D-CE-3 and D-CE-4 Zones, see Chapter 17.107 and Section 17.106.060 for affordable and senior housing incentives. See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a primary dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms. In the D-CE-3 Zone, new construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one (1) unit on the lot upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit process). This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.

11. In the D-CE-3 and D-CE-4 Zones, usable open space is not required for Work/Live, and is only required on lots with two (2) or more Residential or Live/Work units, excluding any permitted Accessory Dwelling Units. ~~or more, and not required for a One-Family Dwelling with Secondary Unit.~~ Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot, provided the Frontage Type design guidelines are followed (see Section 4.1 of the "Design Guidelines for the Central Estuary").

13. Any new principal residential building or addition over five hundred (500) square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding any permitted Accessory Dwelling Secondary Units. The landscaping and buffering plan shall contain the following:

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

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

A. **Mini-lot Planned Unit Developments.** In Mini-Lot Planned Unit Developments (Mini-Lot PUDs), certain regulations that apply to individual lots in the D-CE-3 and D-CE-4 Zones may be waived or modified when and as prescribed in Chapter 17.142.

B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development (PUD) regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the D-CE-3 and D-CE-4 Zones, and certain of the other regulations applying in said zone may be waived or modified.

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

(Ord. No. 13168, § 5(Exh. A), 6-18-2013)

Chapter 17.101F D-GI GATEWAY DISTRICT INDUSTRIAL ZONE REGULATIONS

Sections:

17.101F.040 Permitted and conditionally permitted facilities.

17.101F.040 Permitted and conditionally permitted facilities.

Table 17.101F.02: Permitted and Conditionally Permitted Facilities

Facilities	Zone	Additional Regulations
	D-GI	
Residential Facilities		
One-Family Dwelling	—	
One-Family Dwelling with Secondary Unit	—	
Two-Family Dwelling	—	
Multifamily Dwelling	—	

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

- 17.101G.040 Permitted and conditionally permitted facilities.
- 17.101G.050 Property development standards.

17.101G.040 Permitted and conditionally permitted facilities.

Table 17.101G.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Residential Facilities						
One-Family Dwellings	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	—(L5)	—(L5)	—(L5)	—(L5)	—(L5)	17.103.080
Two-Family Dwelling	P(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	P(L5)(L6)	<u>17.103.080</u>
Multifamily Dwelling	P(L6)	P(L6)	P(L6)	P(L6)	P(L6)	<u>17.103.080</u>

Limitations on Table 17.101G.02:

- L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities, provided, however, that Accessory Dwelling Units are permitted when there is an existing One-Family Dwelling on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.
- L5.** ~~A Secondary Unit that meets all requirements set forth in Section 17.103.080 is permitted in conjunction with an existing One-Family Dwelling. Also, a~~ A Two-Family Dwelling that meets all applicable requirements set forth in the Planning and Building Codes is permitted if it is the result of an approved conversion of an existing One-Family Dwelling.
- L6.** See Section 17.103.080 and Chapter 17.88 for regulations regarding permitted Accessory Dwelling Units.

17.101G.050 Property development standards.

A. Zone Specific Standards.

Table 17.101G.03: Property Development Standards

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

Additional Regulations for Table 17.101G.03:

5. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the facade facing the principal street. On all other street facing facades, the requirement is one-half (1/2) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor activity commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.

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

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

17.101H.040 Permitted and conditionally permitted facilities.

17.101H.040 Permitted and conditionally permitted facilities.

Table 17.101H.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	D-CO-1	D-CO-2	D-CO-3	D-CO-4	D-CO-5	D-CO-6	
Residential Facilities							
One-Family Dwelling	— (L4)	— (L4)	—	—	—	—	<u>17.103.080</u>
One-Family Dwelling with Secondary Unit	—	—	—	—	—	—	17.103.080
Two-Family Dwelling	P(L5)	P(L5)	—	C(L5)	—	—	<u>17.103.080</u>
Multifamily Dwelling	P(L5)	P(L5)	—	C(L5)	—	—	<u>17.103.080</u>

Limitations on Table 17.101H.02:

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

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

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

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

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

Sections:

17.101J.040 - Permitted and conditionally permitted facilities.

17.101J.050 - Property development standards.

17.101J.040 – Permitted and conditionally permitted facilities.

Table 17.101J.02: Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.101J.02:

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

17.101J.050 – Property development standards.

A. **Zone Specific Standards.** Table 17.101J.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.101J.03: Property Development Standards

Additional Regulations for Table 17.101J.03:

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

Chapter 17.102 REGULATIONS APPLICABLE TO CERTAIN ACTIVITIES AND FACILITIES

Sections:

17.102.270 An additional kitchen for a single dwelling unit.

17.102.270 An additional kitchen for a single dwelling unit.

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

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

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

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:

Article VI - Residential Facilities

Article VI Residential Facilities

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

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

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

A. Regulations Applying to All Secondary Accessory Dwelling Units.

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

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

3. Sale of Unit. An Secondary Accessory Dwelling Unit shall not be sold separately from the existing-primary Residential One-Family Dwelling Facility on the same lot.

4. Replacement Parking Configuration. If a covered parking space structure is removed demolished to construct an Secondary Accessory Dwelling Unit, no replacement parking is required. any required replacement parking may be located in any configuration (including covered, uncovered, tandem or mechanical lift). The applicable covered parking structure must have a solid roof, supported with columns; and must have been legally existing as of January 1, 2020. Uncovered parking spaces that are required for the primary Residential Facility in the underlying zone must be maintained or replaced, subject to the location and paving restrictions set forth in the Oakland Planning Code. Required replacement parking space may be tandem, as set forth in Section 17.116.240.A.

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

5. Compliance with Building and Fire Codes. Unless specified otherwise in local code or State law, an Accessory Dwelling Secondary Unit shall comply with all code and permit requirements imposed by other affected departments, including but not limited to the requirement for a building permit.

6. Permitted Locations for ADUs. Subject to restrictions set forth in Chapter 17.88 and Section 17.103.080(A)(8) of this Chapter, ADUs are allowed on lots in zoning districts that permit Permanent Residential Activities without the need for a Conditional Use Permit, and in conjunction with an existing or proposed primary Residential Facility.

7. Restriction of ADUs in Certain Locations for Life Safety Reasons.

In order to promote public health, safety and welfare, new ADUs and Junior Accessory Dwelling Units (JADUs) are not allowed in locations that do not meet the following minimum emergency access standards related to public safety and traffic flow:

a. S-9 Fire Safety Protection Combining Zone. As set forth in Chapter 17.88, new ADUs and JADUs are prohibited within the S-9 Fire Safety Protection Combining Zone.

b. Emergency Access—Multiple Vehicular Outlets. New Accessory Dwelling Units and JADUs shall only be permitted on a lot which has frontage on a through street, or a dead-end street that has a total length of less than six hundred (600) feet from the nearest intersection. For the purposes of this Subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the shared access facility/private access easement is connected to said dead-end street. Furthermore, if a dead-end street has a total length of more than one hundred fifty (150) feet, there must be an approved turnaround.

c. Emergency Access—Minimum Pavement Width. New ADUs and JADUs shall only be permitted if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum continuous pavement width of at least twenty (20) feet.

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

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

10. Objective Design Standards:

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

b. Attached or detached garages located to the front or side of a main building and converted to ADUs shall replace the garage doors with visually similar exterior wall

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

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

12. Landscaping Standards. One (1) new tree of fifteen (15) gallon or larger root ball size shall be planted anywhere on the lot or within the right-of-way in front of the site for Category Two ADUs with floor area size between five hundred (500) square feet and nine hundred ninety-nine (999) square feet. Two (2) new trees of fifteen (15) gallon or larger root ball size each shall be planted anywhere on the lot or within the right-of-way in front of the site for Category Two ADUs with floor area size between one thousand (1,000) square feet and twelve hundred (1,200) square feet. For trees outside the right-of-way, the tree must be a drought tolerant species. Trees within the right of way must meet the City's Frequently Planted Tree Species List as provided in Section 17.124.110, be approved by the Department of Public Works and must conform with the Tree Division.

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

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

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

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

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

14. Mini-Lot Planned Unit Developments (Mini-Lot PUDs). For ADUs proposed in Mini-Lot PUDs pursuant to Planning Code Chapter 17.142, the following regulations shall apply:

- a. All Category Two ADUs in Mini-Lot PUDs must meet the normally required four (4)--foot side and rear setbacks along the perimeter of the project adjacent to neighboring parcels that are not part of the Mini-Lot Development. ADUs are not allowed on parcels with Two-Family Dwelling Residential Facilities or Multifamily Dwelling Residential Facilities built January 1, 2020 or later.
- b. For existing Mini-Lot PUDs that were entitled prior to the effective date of this Section, ADUs are only allowed upon the revision of the existing Conditional Use Permit that originally entitled the Mini-Lot PUD and, if necessary, revisions to the Tentative Parcel Map. The Mini-Lot PUD must meet all building, fire, and safety codes/regulations. Elements of the original Mini-Lot PUD, and Tentative Parcel Map if applicable, that may require revision, include but are not limited to:

- i. Private Access Easements (Chapter 16.32);
- ii. Shared Access Facilities (Section 17.102.090)
- iii. Shared open space;
- iv. Shared parking spaces;
- v. Other shared amenities; and
- vi. Separation between structures within the Mini-Lot PUD;

Applications for revision to a Mini-Lot PUD and Tentative Parcel Map, if applicable, that involve any of the shared interest elements above must include the written consent of applicant must provide each Mini-Lot PUD owner. 's written consent to the proposed revision.

- c. New Mini-Lot PUDs that are entitled after the effective date of this Section- and propose ADUs with Mini-Lot PUD shall include the ADUs with the proposal of the newly created parcels that contain new or existing One-Family Dwelling Residential Facilities on each parcel. The Mini-Lot PUD must meet all building, fire, and safety codes/regulations. All requirements shall be met for a new Mini-Lot PUD that may include, but are not limited to:

- i. Private Access Easements (Chapter 16.32);
- ii. Shared Access Facilities (Section 17.102.090)
- iii. Open Space;
- iv. Parking spaces for the non-ADUs; and
- v. Separation between structures within the Mini-Lot PUD.

Any revisions to add additional ADUs after the Mini-Lot PUD has been approved will require the revision of the original Conditional Use Permit and must follow the provisions of Section 17.103.080A14b.

B. Property Development Standards applying to One-Family ADUs

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

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

<u>Development Standards</u>	<u>Types of One-Family ADUs</u>			<u>Notes</u>
	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>	<u>One-Family ADU Category 2</u>	
<u>Maximum Number</u>	1 per lot	1 per lot		<u>1</u>
<u>Minimum Size (in square feet [sf.] Floor Area)</u>	Must meet, at a minimum, Efficiency Unit Building Code Standards	Must meet, at a minimum, Efficiency Unit Building Code Standards	Must meet, at a minimum, Efficiency Unit Building Code Standards	<u>2</u>
<u>Maximum Size</u>	500 sf.	50% of floor area of primary residence or 850 sf., whichever is greater, but shall not exceed 1,200 sf.	For detached: 850 sf. for studio or 1-bedroom. 1,000 sf. for 2-bedroom or more For attached: Whichever is greater: (A) 850 sf. for studio or 1-bedroom, and 1,000 sf. for 2-bedroom or more; or (B) 50% of floor area of primary residence, but shall not exceed 1,200 sf.	<u>3</u>
<u>Expansion for Egress and Ingress</u>	Maximum allowed = 150 sf.		N/A	<u>4</u>
<u>Expansion for Small Lots</u>	N/A	The minimum area necessary to accommodate one (1) ADU with footprint of up to 800 sf. and up to 16 feet high. See note.	N/A	<u>5</u>
<u>Maximum Height</u>	N/A	Established by the development standards of the underlying zoning district	16 feet; or higher if the proposal complies with all of the development standards of the underlying zoning district	<u>6, 7, 8</u>

<u>Development Standards</u>	<u>Types of One-Family ADUs</u>			<u>Notes</u>
	<u>Junior ADU</u>	<u>One-Family ADU Category 1</u>	<u>One-Family ADU Category 2</u>	
<u>Side and Rear Setbacks</u>	N/A	N/A	4 feet or the regularly required setback, whichever is less, but in no case shall the setback be less than 3 feet from the side or rear lot line;	7, 8
<u>Front Setback</u>	Established by the development standards of the underlying zoning district			7, 8
<u>Lot Coverage, Rear Setback Coverage, Floor Area Ratio (FAR)</u>	Established by development standards of the underlying zoning district, but those standards may be waived to the extent necessary to allow the following per lot: (A) One JADU AND (B) One ADU of no more than 800 sf. that is no more than 16 feet in height with at least 4 foot side and rear yard setbacks			7, 8
<u>Open Space</u>	No new open space required.			7, 8
<u>Parking for ADU</u>	None Required	None required if located: a) within ½-mile walking distance of public transit; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan’s Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; or d) where there is a carshare vehicle within one block of the ADU. Otherwise: One (1) space per ADU, which can be tandem		8, 9
<u>Owner Occupancy</u>	Owner must occupy the JADU or the primary residence	N/A	N/A	
<u>Bathroom</u>	May have private bathroom; or bathroom facilities may be shared with the primary Residential Facility.	Must contain their own private bathroom facilities.		10

Notes for Table 17.103.01:

1. A Category One or Category Two ADU may be combined on the lot with one JADU. However, a lot may not contain both a Category Two ADU and a Category One ADU. A lot with a One-Family Facility may only contain two ADUs if one is a JADU.
2. At least a minimum square-footage that permits an Efficiency Dwelling Unit as defined in the California Building Code.
3. The maximum size is inclusive of any allowed expansion of existing building envelope of up to one hundred and fifty (150) square feet for the purpose of ingress and egress.
4. If the JADU/ADU requires an expansion of up to one hundred and fifty (150) square feet for the exclusive purpose of accommodating ingress and egress to the ADU, such expansion may not: (a) encroach on front setbacks established by the underlying zone; (b) encroach within four foot side and rear setbacks, except in certain circumstances, as described in Note #7 for Table 17.103.01; and (c) exceed a height of sixteen (16) feet, except the underlying zone permits, as described in Note #6 and #7 for Table 17.103.01.
5. An accessory structure can be expanded to create a Category One ADU if each of the following are true: 1) the ADU is no greater than eight-hundred (800) square feet; 2) the proposal is on a lot that is either no greater than three thousand (3,000) square feet in size or no greater than thirty-five (35) feet in lot width mean; 3) the accessory structure was legally constructed on or prior to January 1, 2020; and 4) the addition has a height of no more than sixteen (16) feet. The addition does not need to be required for the exclusive purpose of ingress or egress.
6. If the Category Two ADU meets the four (4)-foot setback requirement, or meets the underlying zone setbacks requirements, then the maximum height is controlled by the underlying zoning district regulations, but in no event shall be less than sixteen (16) feet.
7. For an ADU/JADU expansion for ingress and egress, such expansion shall comply with the existing zoning district setback and height requirements unless the ADU is a Category 2 ADU that: a) meets the required side and rear setbacks of four feet or the regularly required setback, whichever is less, but in no case shall be less than three feet from the side or rear lot line, b) has a height of not more than sixteen (16) feet, and c) has a floor area not more than eight hundred (800) square feet.
8. One-Family Category One ADUs and JADUs are allowed even if the existing facility to be converted or rebuilt does not meet the underlying zone's current development standards, such as height limits, floor area ratios, lot coverage or setbacks.
9. For replacement parking regulations, see 17.103.080(A)(4).
10. If JADU shares bathroom with the primary Residential Facility, an internal connection must be provided.

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

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

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

<u>Development Standards</u>	<u>Types of Two-Family and Multifamily ADUs</u>		<u>Notes</u>
	<u>Two-Family and Multifamily ADU Category 1</u>	<u>Two-Family and Multifamily ADU Category 2</u>	
<u>Maximum Number</u>	<u>1 or up to 25% of existing units per lot, whichever is greater</u>	<u>At least 1 per lot, but no more than 2 per lot.</u>	<u>1, 5</u>
<u>Minimum Size (Floor Area)</u>	<u>Must meet, at a minimum, Efficiency Unit Building Code Standards</u>		<u>2</u>
<u>Maximum Size</u>	<u>850 sf. for studio or one-bedroom; 1,000 sf. for 2-bedrooms or more</u>		<u>6</u>
<u>Maximum Height</u>	<u>Established by base zone</u>	<u>16 feet; or higher if the proposal complies with all of the development standards of the underlying zoning district</u>	<u>3</u>

	Types of Two-Family and Multifamily ADUs		Notes
<u>Side and Rear Setbacks</u>	N/A	<u>4 feet, or the regularly required setback, whichever is less, but in no case shall be less than 3 feet, from the side or rear lot line</u>	<u>3</u>
<u>Lot Coverage, Rear Setback Coverage</u>	N/A	<u>Established by the underlying zone, and can only be waived if necessary to achieve one or two ADUs that do not exceed 800 sf. in total footprint.</u>	<u>3</u>
<u>Front Setback</u>	<u>Established by base zone.</u>		
<u>Floor Area Ratio (FAR)</u>	<u>Established by the regulations in the underlying zoning district, but those may be waived to the extent necessary to allow one or two Category Two ADUs of no more than 800 sf. in total footprint</u>		<u>3</u>
<u>Open Space</u>	N/A	<u>No new open space required. However, required open space for existing units, as established by the underlying zoning district, must be maintained, and can only be waived to the extent necessary to allow one or two ADUs of no more than 800 sf. in total footprint.</u>	
<u>Parking for ADU</u>	<u>One (1) space; OR none if located: a) within ½-mile walking distance of public transit; b) on any lot within a City of Oakland Area of Primary Importance (API) or Secondary Importance (ASI), as defined in the General Plan's Historic Preservation Element; c) in areas where parking permits are required but not offered to occupants of ADUs; or d) where there is a carshare vehicle within one block of the ADU.</u>		<u>4</u>
<u>Owner Occupancy</u>	<u>Not required</u>		
<u>Bathroom</u>	<u>Each unit must have a private bathroom.</u>		

Notes for Table 17.103.02:

1. All calculations that result in a fractional number shall be rounded up to the nearest whole number. A lot may contain both Category One and Category Two ADUs.
2. At least a minimum square footage that permits an Efficiency Dwelling Unit as defined in the California Building Code.

3. Two-Family and Multifamily Category One ADUs are allowed even if the existing space to be converted or rebuilt does not meet the underlying zone's current development standards, such as height limits, floor area ratios, lot coverage or setbacks. If the Category Two ADU meets the four (4)-foot setback requirement, or meets the underlying zone setbacks requirements, then the maximum height is controlled by the underlying zoning district regulations, but in no event shall be less than sixteen (16) feet.

4. The "No Parking for ADUs" area includes all lots within ½ mile walking distance of public transit; any lot within a City of Oakland Area of Primary or Secondary Importance, as defined in the General Plan's Historic Preservation Element; locations where parking permits are required but not offered to occupants of ADUs; or locations where there is a carshare vehicle within one block of the ADU

4. For replacement parking regulations, see 17.103.080(A)(4).

5. Non-habitable or non-livable space does not include detached accessory structures, existing residential units, commercial space, community rooms, gyms, laundry rooms or any other finished spaces that are meant to be occupied by people and used communally.

6. Category Two ADUs must meet lot coverage and open space requirements set forth in this table.

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

~~1. **Definition.** Category One Secondary Units are those that are located entirely within a One-Family Dwelling Facility or detached accessory structure that was legally in existence prior to January 1, 2017; and involve no expansion of the existing building envelope. Other defining characteristics of Category One Secondary Units are: a) independent exterior access from the existing One-Family Dwelling Facility, and b) existing side and rear setbacks sufficient for fire safety.~~

~~2. **Exemption from Nonconformity Regulations.** An application for a Category One Secondary Unit shall be granted ministerial approval when it is entirely within the building envelope of a One-Family Dwelling Facility or detached accessory structure that was legally in existence prior to January 1, 2017, regardless of the normally required prohibition on residential living quarters within a detached accessory structure located in a minimum Yard or Court in Subsection K. of Section 17.108.130; and regardless of any existing nonconformity as to setback or height of the detached accessory structure or primary dwelling facility.~~

~~3. **Utility Connections.** A new or separate utility connection shall not be required directly between a Category One Secondary Unit and the utility, and no related connection fee or capacity charge shall be required.~~

~~4. **Parking.** Regardless of any provisions to the contrary in the applicable individual zone regulations and in Chapter 17.116, no additional parking shall be required for a Category One Secondary Unit.~~

C. Category Two: All Other Secondary Units.

~~1. **Definition.** Category Two Secondary Units are those that: a) are not entirely within the building envelope of a One-Family Dwelling Facility or detached accessory structure that was~~

- legally in existence prior to January 1, 2017; and b) involve either construction of a new structure, or an exterior addition to an existing structure.
2. ~~**Maximum Permitted Floor Area.** The floor area of a Category Two Secondary Unit shall not exceed eight hundred (800) square feet or seventy-five percent (75%) of the floor area of the primary dwelling unit, whichever is less.~~
 3. ~~**Required Parking.** Except as specified in Subsection a. below, the minimum parking requirements for a Category Two Secondary Unit shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. Tandem parking may be permitted according to the regulations in Section 17.116.240.~~
 - a. ~~Secondary Units that are located on sites within: (i) one half (1/2) mile of a public Transit Stop; (ii) an Area of Primary Importance (API) or Area of Secondary Importance (ASI), as defined in the Historic Preservation Element of the General Plan; (iii) an area where on-street parking permits are required but not offered to the occupant of a Secondary Unit; or (iv) one (1) block of a dedicated car share parking spaces shall have no additional parking requirement.~~
 4. ~~**Setbacks.** Except as specified in Subsections a. and b. below, the minimum setback requirements for a Category Two Secondary Unit shall be as prescribed in the applicable individual zone regulations:~~
 - a. ~~A detached Category Two Secondary Unit that conforms to the provisions in Subsection U. of Section 17.108.130 is allowed to project into or locate within the minimum side or rear yard, but no closer than four (4) feet from the side or rear lot line, and only if the facility also conforms to the following restriction in the first paragraph of Section 17.108.130:~~
 - i. ~~In no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by facilities, other than trees, that extend more than six (6) feet above grade.~~
 - b. ~~A Category Two Secondary Unit located above a garage and conforming with maximum height and all other applicable regulations shall not be required to have a side or rear setback of more than five (5) feet.~~
 5. ~~**Emergency Access—Multiple Vehicular Outlets.** A Category Two Secondary Unit shall only be permitted on a lot which has frontage on a through street, or a dead-end street that has a total length of less than six hundred (600) feet. For the purposes of this Subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the private access easement is connected to said dead-end street.~~
 6. ~~**Emergency Access—Minimum Pavement Width.** A Category Two Secondary Unit shall only be permitted if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum pavement width of at least twenty (20) feet.~~
 7. ~~**Architectural Compatibility.** A Category Two Secondary Unit shall be clearly subordinate to the primary dwelling unit in size and location. Also, the exterior materials of a Category Two Secondary Unit shall match or be visually compatible with that of the primary dwelling unit, including the siding material, roof shape and/or pitch, roofing material, trim material and design, and window types.~~
 8. ~~**Review Procedure.** An application for a Category Two Secondary Unit shall be granted ministerial approval within one hundred twenty (120) days of receipt upon confirmation~~

~~of compliance with all applicable zoning regulations, including but not limited to, all provisions in this Section.~~

9. ~~**Utility Connections.** If a new or separate utility connection is required directly between a Category Two Secondary Unit and the utility, the related connection fee or capacity charge must be proportional to the burden of the Secondary Unit upon the water or sewer system.~~

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

17.108.080 Minimum side yard opposite living room windows.

On each lot containing Residential Facilities with a total of two (2) or more dwelling living units, excluding any permitted Accessory Dwelling Units, except in the case of a One Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-LM, D-CO, S-1, S-2, S-15, and D-KP Zones and fifteen percent (15%) of the lot width in all other Zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

17.108.120 Minimum court between opposite walls on same lot.

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

level is higher. Such courts shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

17.108.130 Exceptions to required openness of minimum yards and courts.

Every part of each required minimum yard and court shall be open and unobstructed from finished grade, or where applicable from such other specified level at which the yard or court is required, to the sky except for the facilities allowed in the yard or court by the following table. Furthermore, in no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by any facilities, other than trees and Accessory Dwelling Units in conformance with all requirements in Section 17.103.080, which extend more than six (6) feet above the level at which the rear yard is required. Wherever a yard is required only for a particular facility, it may be provided at the level of the lowest story containing such facility; provided that where such facility is a Residential Facility, such level shall be that of the lowest story, or portion thereof, containing any living unit. Where the height of facilities within minimum yards or courts is not specifically further limited by the following table, the facilities shall conform to the regular height restrictions, if any, applicable to facilities where they are located. Facilities within minimum yards and courts shall also be subject to any applicable exceptions allowed for Nonconforming Uses in Chapter 17.114, Secondary Accessory Dwelling Units in Section 17.103.080, and screening requirements or other controls prescribed by the buffering regulations in Chapter 17.110; or by the pertinent development control maps or individual zone regulations, which in some zones require that minimum front yards, or side yards on the street side of a corner lot, be landscaped.

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
U. Detached Secondary Units Category Two Accessory Dwelling Units .	<p>Anywhere in above yards that meet the criteria of Section 17.103.080, and if newly constructed, the facility is located at least six (6) feet from the primary dwelling unit on the lot. This requirement shall not apply if it precludes ADUs of a minimum size per Section 17.103.080. , provided that the facility was legally in existence prior to January 1, 2017; or in other cases if:</p> <ol style="list-style-type: none"> 1. The facility is located at least six (6) feet from the primary dwelling unit on the lot, and is not located closer than four (4) feet from the side or rear lot line; and 2. The wall height of the facility within four (4) feet of the side or rear lot line does not exceed ten (10) feet in height to the top of the plate above finished grade. In areas greater than four (4) feet from the side or rear lot line but within a required yard, the wall height of the facility may only extend above ten (10) feet the extent necessary to allow gable ends, dormers, sheds, or similar roof elements, with any shed roof sloping down toward the lot line facing the longest façade; and 3. The roof height, for roofs with a maximum 8 in 12 slope, does not exceed fourteen (14) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues. 				

Chapter 17.110 BUFFERING REGULATIONS

Sections:

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

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

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

- A. Screening and Setback of Open Parking and Loading Areas. The following requirements shall apply in said zones to all open off-street parking areas located on any lot containing three (3) or more independent parking spaces, except in the case of a One-Family Dwelling with Accessory Dwelling ~~Secondary~~ Units, and to all open off-street loading areas on any lot:

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

Chapter 17.114 NONCONFORMING USES

Sections:

Article III Nonconforming Facilities

17.114.110 Nonconforming Facility—Allowed alterations.

A. When Occupied by Conforming Activity. Except as otherwise provided in Section 17.114.120, or in Section 17.103.080 for Accessory Dwelling Units in conjunction with an existing One-Family, Two-Family, or Multifamily Dwelling, a nonconforming facility which accommodates or serves a conforming activity may be altered or otherwise changed, and the lot lines of the lot containing it may be changed, in any way which does not create any new nonconformity or increase the degree of any existing nonconforming with respect to any requirement applying to facilities. Any new, relocated, or wholly reconstructed part of a facility shall itself conform to all applicable such requirements. Nonconforming Residential Facilities containing a total of more than one primary dwelling living-unit on a lot, when located in a zone where only one primary dwelling living-unit is permitted on a lot, shall be subject to the requirements generally applying in the RU-2 Zone with respect to side yards opposite living room windows; courts; and usable open space. Nonconforming Nonresidential Facilities which are not themselves permitted facility types in the zone where they are located shall not be increased in floor area or overall outside dimensions_; ~~relocated,~~ except when permitted to remove a nonconformity_; or to be wholly reconstructed with the same floor area and outside dimensions.

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

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

Article I General Provisions

17.116.020 Effect on new and existing uses.

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

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

- A. **Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.**
1. **Minimum Parking.** Except as otherwise provided in Article III and elsewhere in this Title, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

Residential Facility Type	Zone	Total Required Parking
One-Family Dwelling with Secondary Unit.	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No additional space required for the Secondary Unit.
	Any other zone, except when combined with the S-11 or S-12 Zone.	One (1) space for the Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.

Residential Facility Type	Zone	Total Required Parking
	Any zone combined with the S-11 Zone.	One (1) space for each bedroom in the Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.
	Any zone combined with the S-12 Zone.	One (1) space for each bedroom in the Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.
Two-Family Dwelling.	CBD, S-2, and D-LM Zones, except when combined with the S-12 Zone.	No spaces required.
Multifamily Dwelling.	D-BV-1, D-BV-2, S-15, and D-CO Zones, except when combined with the S-12 Zone.	One-half (1/2) space for each dwelling unit.
	D-BV-3 and D-BV-4 Zones, except when combined with the S-12 Zone.	Three-quarters (3/4) space for each dwelling unit.
	Any other zone, except when combined with the S-12 Zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 Zone.	See Section 17.94.040.
<u>Accessory Dwelling Unit (in conjunction with One-Family, Two-Family, or Multifamily Dwelling).</u>	<u>CBD, S-2, and D-LM Zones, except when combined with the S-11 or S-12 Zone.</u>	<u>No additional spaces required for the Accessory Dwelling Unit.</u>
	<u>Any other zone (including any zone combined with the S-11 or S-12 Zone).</u>	<u>One (1) space for each Accessory Dwelling Unit, except that no additional parking shall be required if located as specified in Section 17.103.080.</u>

2. **Maximum Parking for Permanent and Semi-Transient Residential Activities.** No more than the following amounts of off-street parking are permitted for all Permanent

and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

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

Article III - Exemptions and Reductions in Required Parking

17.116.110 Special parking exemptions and reductions.

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

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

Article IV Off-Street Loading Requirements

17.116.240 Tandem spaces and berths.

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

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

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

The provisions of this Section apply to lots containing One-Family Dwelling ~~or, One-Family Dwelling with Secondary Unit,~~ and Two-Family Dwelling Residential Facilities. Exceptions to the provisions of this Section may be approved pursuant to the ~~Regular~~ Design ~~r~~Review procedure in Chapter 17.136.

Chapter 17.117 BICYCLE PARKING REQUIREMENTS

Sections:

Article III. Minimum Number of Required Bicycle Parking Spaces

17.117.090 Required bicycle parking—Residential Activities.

17.117.090 Required bicycle parking—Residential Activities.

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Permanent and Semi-Transient Residential Activities occupying the specified facilities:		
1) One-Family Dwelling.	No spaces required.	No spaces required.
2) One-Family Dwelling with Secondary Unit.	No spaces required.	No spaces required.

Chapter 17.124 LANDSCAPING AND SCREENING STANDARDS

Sections:

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

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

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit, excluding ~~Secondary permitted Accessory Dwelling Units, of five hundred (500) square feet or less,~~ and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the plan shall conform with all provisions of this Chapter, Title 12 Street, Sidewalks and Public Spaces, and the following:

Chapter 17.136 DESIGN REVIEW PROCEDURE

Sections:

- 17.136.025 Exemptions from design review.
- 17.136.040 Regular design review.

17.136.025 Exemptions from design review.

- B. Definition. The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):
 - 1. Additions or Alterations.
 - d. Accessory Dwelling Secondary—Units, pursuant to all regulations in Section 17.103.080 and Chapter 17.88;

17.136.030 Small project design review.

- B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:
 - 1. Additions or Alterations.
 - e. Accessory Dwelling Units that do not conform with objective design standards specified in Section 17.103.080. A.11 proposed in front or on a side of the primary structure.

17.136.040 Regular design review.

- A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025, Small project design review as set forth in Section 17.136.030, or Special project design review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Nonresidential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones, projects requiring Regular design review include, but are not limited to, the following types of work:
 - 3. New construction of one (1) or two (2) dwelling units, excluding other than any permitted Accessory Dwelling Units; a Secondary Unit;
 - 4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site, excluding any permitted Accessory Dwelling Units;
 - 8. Exceptions to the parking accommodation requirements for One- and Two-Family Residential Facilities in Section 17.116.300; 17.116.075;

Title 17 PLANNING

Chapter 17.140 - PLANNED UNIT DEVELOPMENT PROCEDURE

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

Sections:

Article I - Title, Purposes and Applicability

Article II - Mini-Lot Planned Unit Developments

Article III - Planned Unit Developments

Article I Title, Purposes and Applicability

17.142.002 Title and purposes.

17.142.004 Applicability.

17.142.002 Title and purposes.

The provisions of this Chapter shall be known as the ~~Mini-Lot and~~ Planned Unit Development Regulations. The purposes of these regulations are to:

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.142.004 Applicability.

These regulations shall apply to all:

- A. Mini-Lot Planned Unit Developments (Mini-Lot PUDs) located on a single tract of land of less than sixty thousand (60,000) square feet, and containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located; and
- B. Planned Unit Developments (PUDs) located on a single tract of land of sixty thousand (60,000) square feet or more, or on two (2) or more tracts of land equaling sixty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

Article II Mini-Lot Planned Unit Developments

17.142.010 Definition of Mini-Lot Planned Unit Development.

17.142.012 Basic provisions for Mini-Lot Planned Unit Developments.

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

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

17.142.010 Definition of Mini-Lot Planned Unit Development.

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

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

17.142.012 Basic provisions for Mini-Lot Planned Unit Developments.

See Section 17.103.080.A.14 for requirements for ADUs within Mini-Lot Planned Unit Developments (Mini-lot PUDs). Subject to the provisions of this article, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a Mini-Lot DevelopmentPUD, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a Ceonditional Uuse Ppermit pursuant to the Ceonditional Uuse Ppermit procedure in Chapter 17.134 and upon determination:

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and
2. That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.
 - a. 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.

3. That, in exchange for the flexibility of development standards resulting from the Mini-Lot PUD, the applicant voluntarily agrees to be subject to Planning Code Section 17.103.080 requirements relating to ADUs in Mini-Lot PUDs.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

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

A Conditional Use Permit pursuant to Section 17.142.012 may only be granted in the S-1 or S-2 Zone, or in any Residential or Commercial Zone other than RH or RD Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

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

Maximum Size for Which Requirements May Be Waived. A 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 Planned Unit Development is less than sixty thousand (60,000) square feet.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013)

Article III Planned Unit Developments

17.142.100 Bonuses.

17.142.100 Bonuses.

For Planned Unit Developments qualifying under Sections 17.142.080 and 17.142.090, the following exceptions to otherwise applicable regulations may be permitted upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140:

- C. Additional Permitted Facilities in RH-4 and RD-1 Zones. In the RH-4 and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in said zone, provided that at least fifty percent (50%) of the dwelling units in the total development shall be One-Family Dwellings:

1. Residential Facilities:

~~One-Family Dwelling with Secondary Unit~~
Two-Family Dwelling
Multifamily Dwelling

- D. Additional Permitted Facilities in Other Zones. Except in the RH, and RD-1 Zones, the following facilities, as described in the use classifications, may be permitted in addition to the facilities otherwise permitted in the zone in which the development is located:

1. Residential Facilities:

- One-Family Dwelling
- ~~One-Family Dwelling with Secondary Unit~~
- Two-Family Dwelling
- Multifamily Dwelling
- Rooming House

2. Nonresidential Facilities:

- Open
- Drive-In

3. Signs:

- Residential
- Business

E. Increase in Overall Density or Floor-Area Ratio.

1. Except in the RH₇ 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 RH₇ and RD-1 Zones and except in a development incorporating the bonuses specified in Subsection B. of this Section, the maximum overall number of living units in Residential Facilities and the maximum overall Floor-Area Ratio, if any, otherwise permitted or conditionally permitted in the zone in which the development is located may be increased by up to twenty-five percent (25%) in a development other than one described in Subsection E.1. of this Section.

Chapter 17.148 VARIANCE PROCEDURE

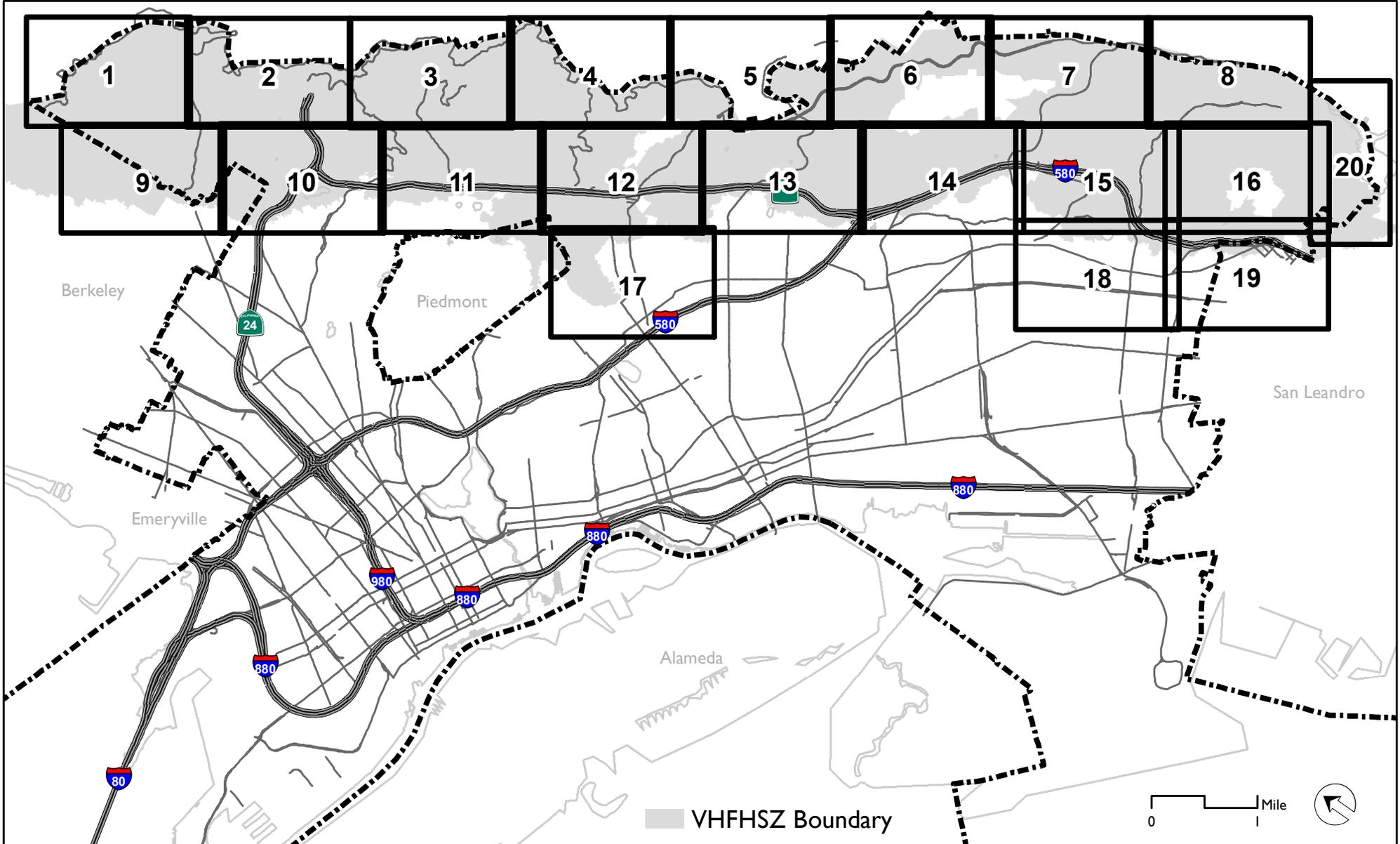
Sections:

17.148.020 Definition of Major and Minor Variances.

17.148.020 Definition of Major and Minor Variances.

A. **Major Variance.** A "Major Variance" is a variance which involves any of the following provisions:

4. Maximum Floor-Area Ratio (FAR), except for One-Family Dwellings, ~~One-Family Dwellings with Secondary Unit,~~ and Two-Family Dwellings;




 CITY OF OAKLAND
 Planning & Building
 Department
 June 2021

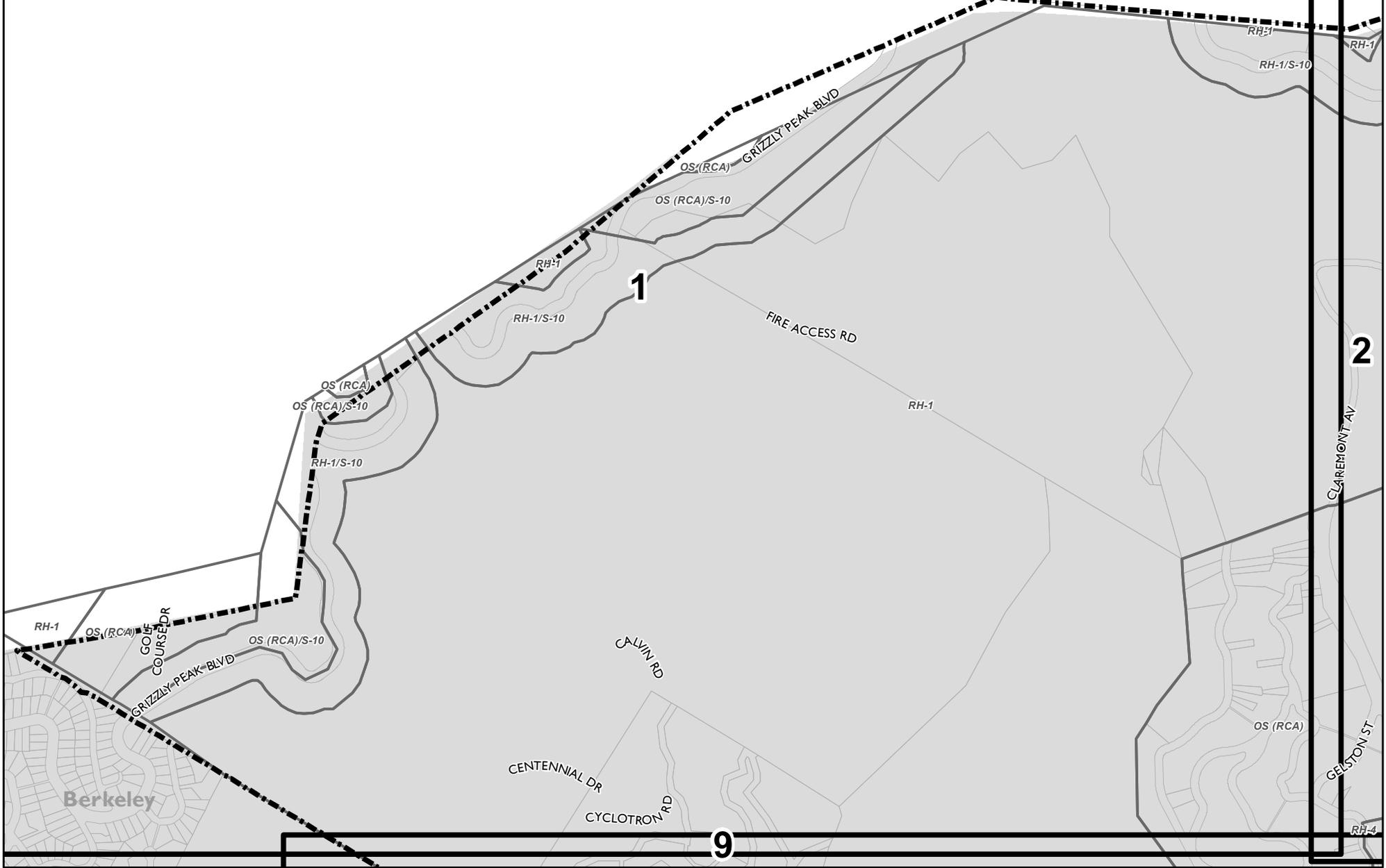
**Proposed Amendment to Align S-9 Safety Protection Combining Zone
 with California Department of Forestry and Fire Protection
 “Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas”**

NOTES: If any portion of a lot is within the VHFHSZ, the entire lot counts as inside the VHFHSZ.
 The VHFHSZ Boundary is subject to automatic change according to any changes by CAL FIRE to VHFHSZ.

Index Map

VHFHSZ Boundary
 Current Zoning
 City of Oakland

Feet
 0 500

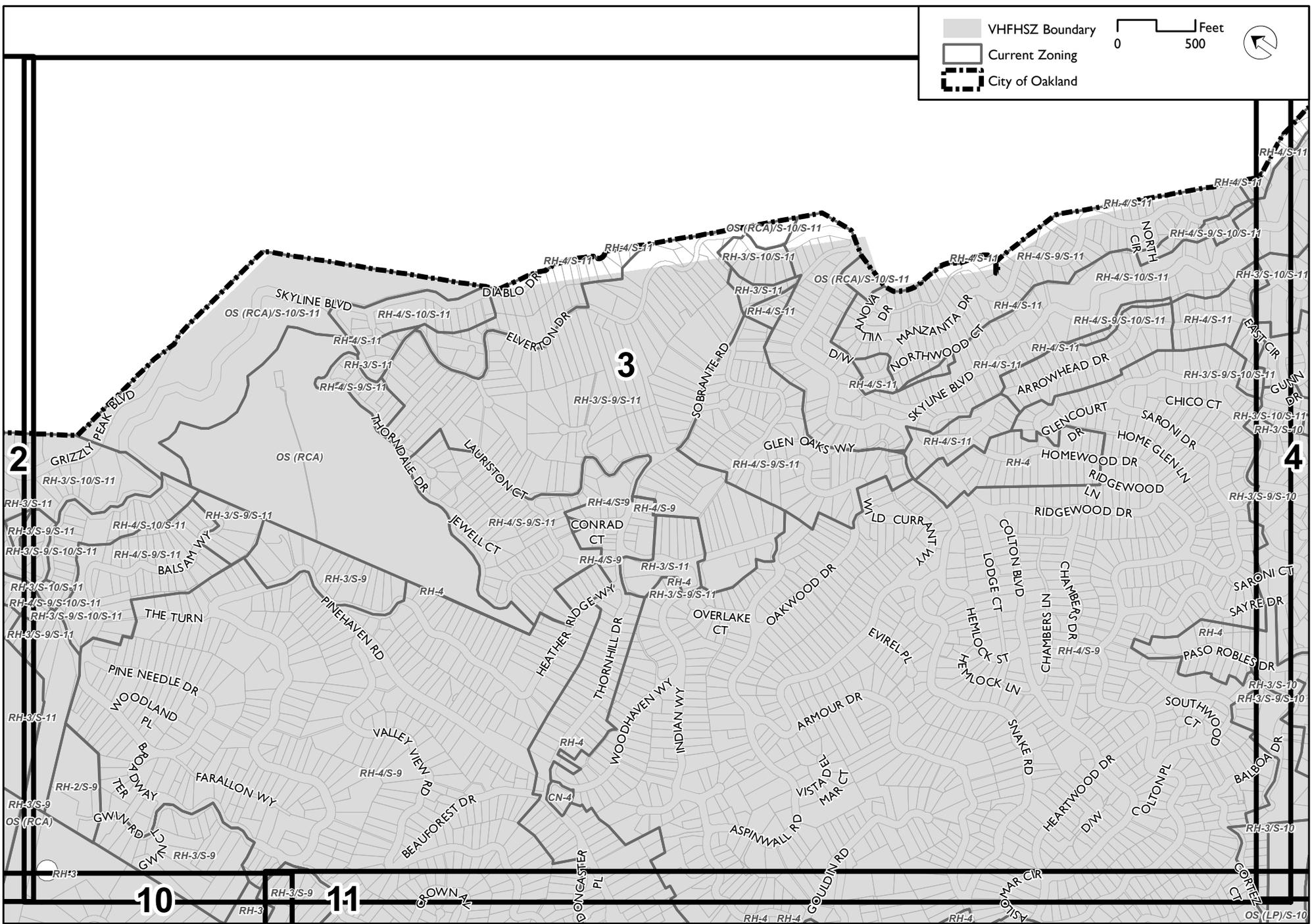


Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"
Planning & Building Department
June 2021

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VHFHSZ Boundary
 Current Zoning
 City of Oakland

0 500 Feet



Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

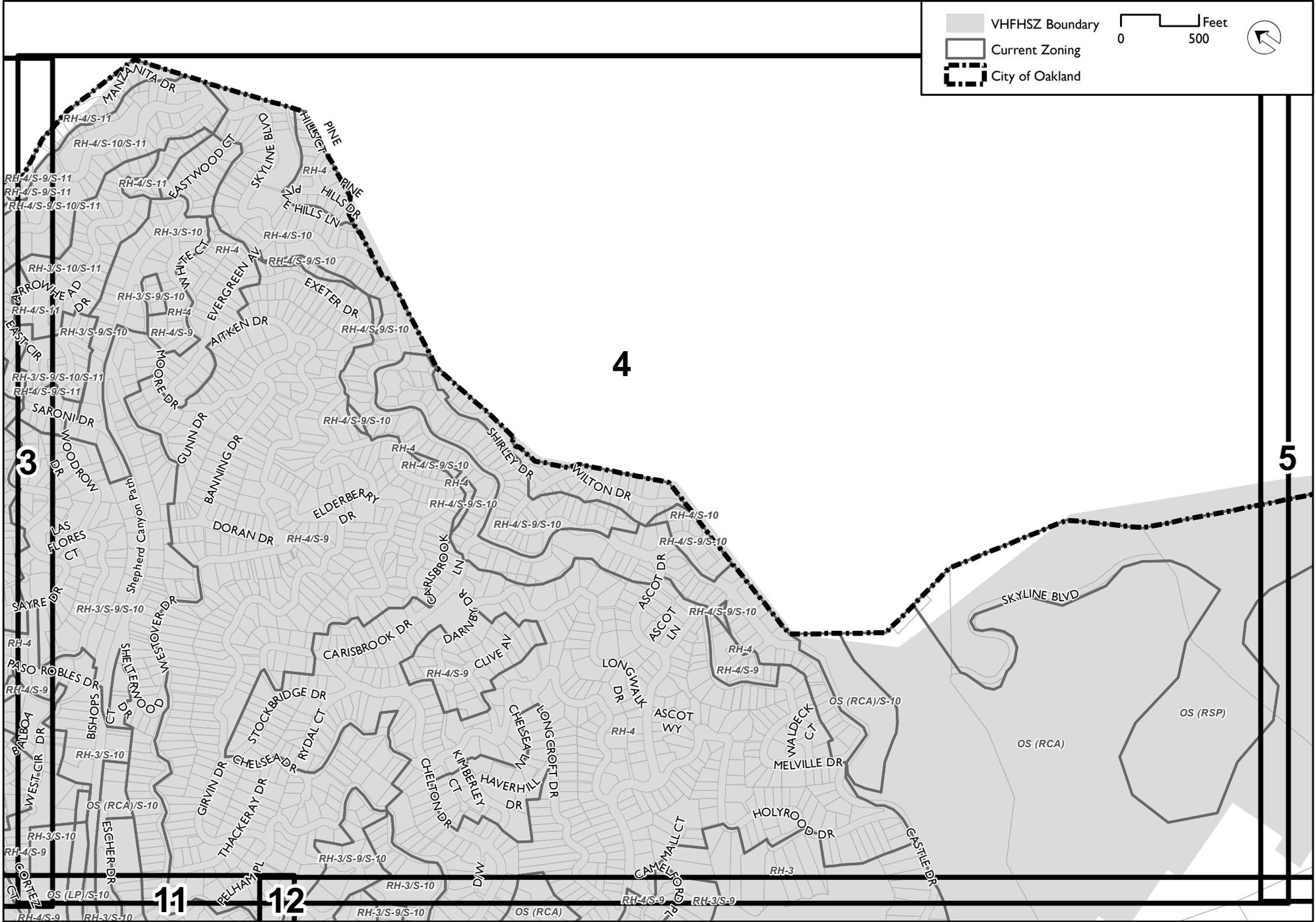
Planning & Building Department
June 2021

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Map 3

VHFHSZ Boundary
 Current Zoning
 City of Oakland

Feet
 0 500



Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

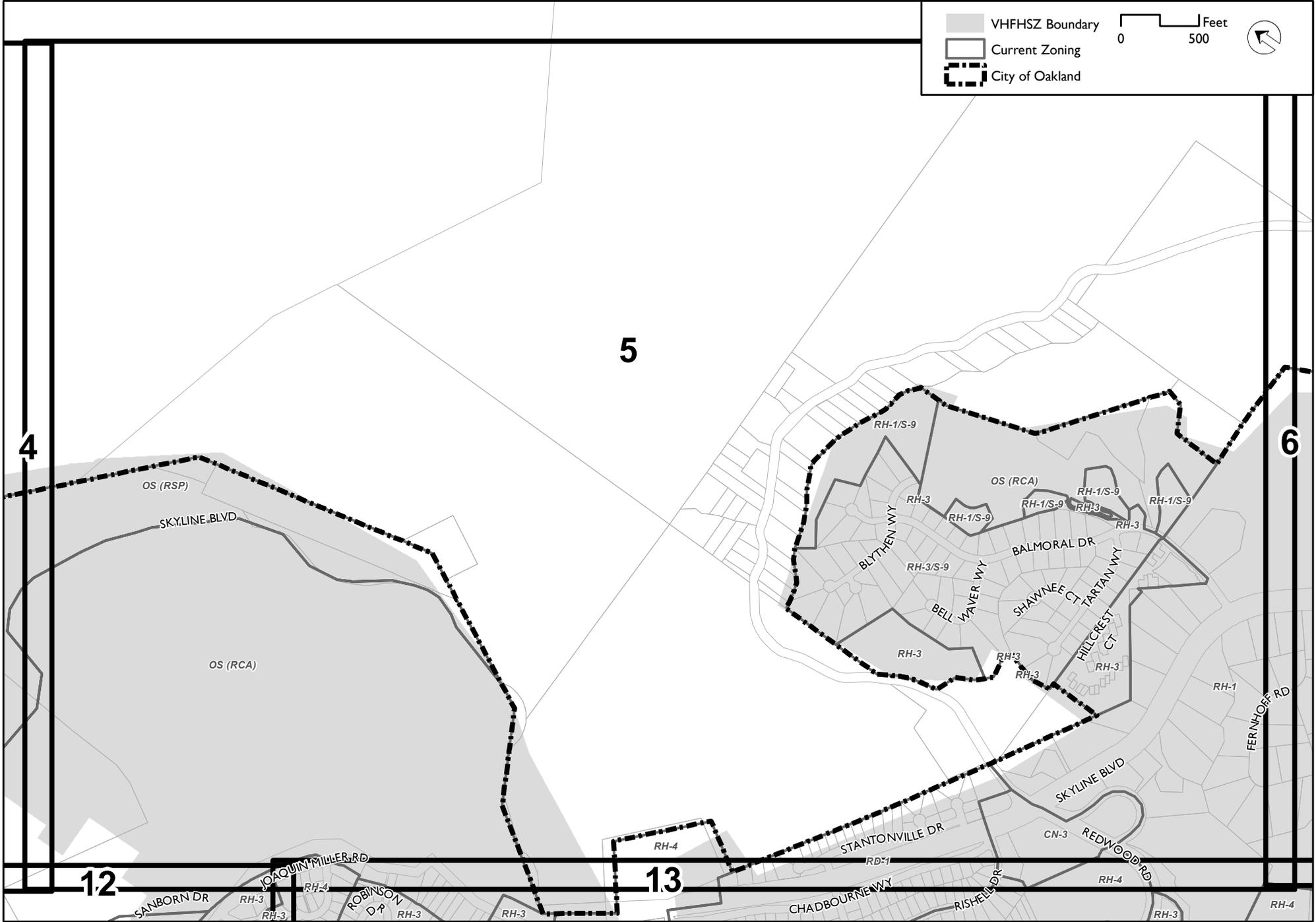
Planning & Building Department
June 2021

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Map 4

VHFHSZ Boundary
 Current Zoning
 City of Oakland

Feet
 0 500



Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

Planning & Building Department
June 2021

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Map 5



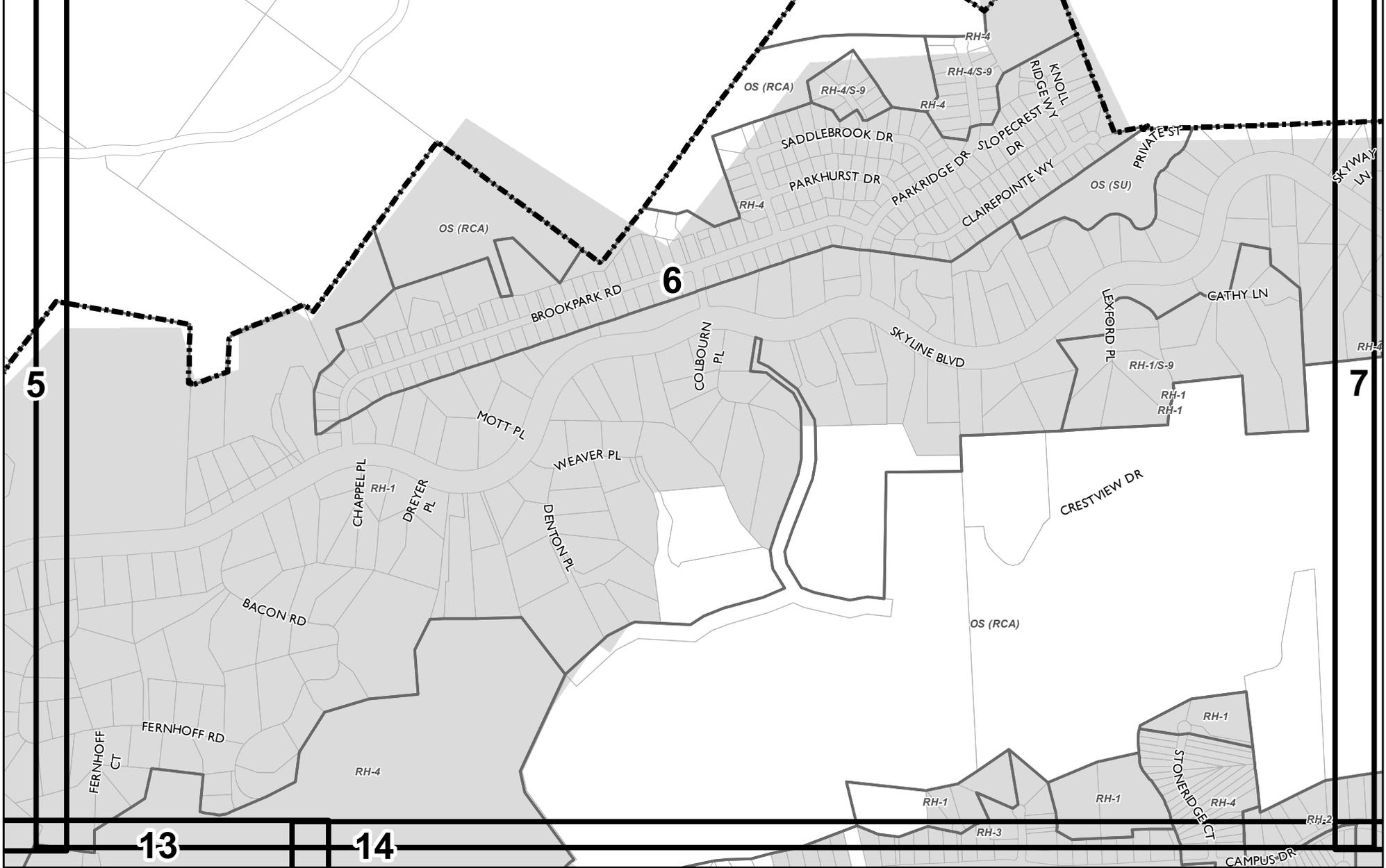
 VHFHSZ Boundary

 Current Zoning

 City of Oakland

0 500 Feet



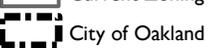


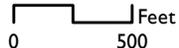
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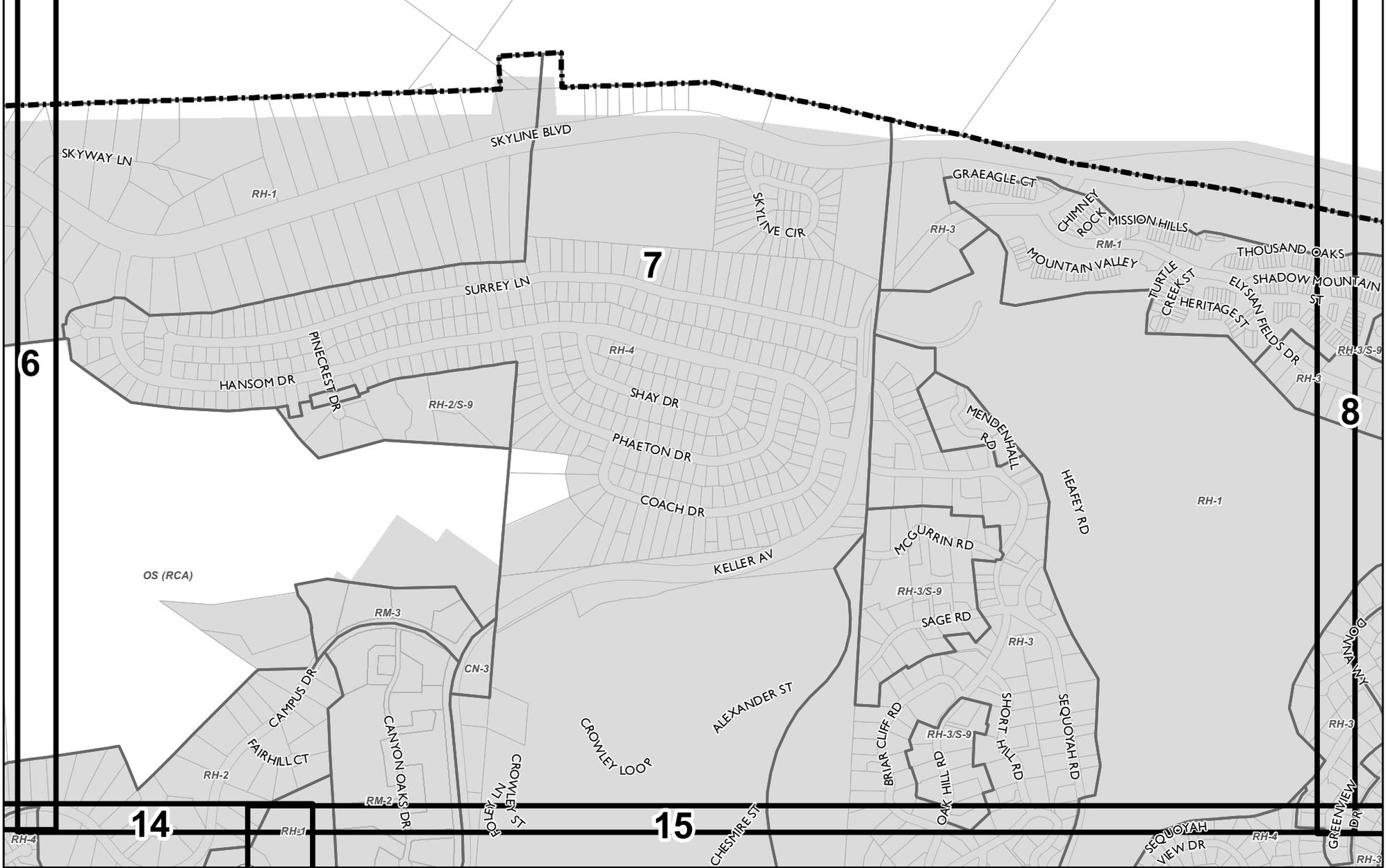
Planning & Building Department
June 2021

NOTES: If any portion of a lot is within the VHFHSZ, the entire lot counts as inside the VHFHSZ. The VHFHSZ Boundary is subject to automatic change according to any changes by CAL FIRE to VHFHSZ.

Map 6

 VHFHSZ Boundary
 Current Zoning
 City of Oakland

 Feet
 0 500

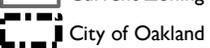



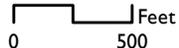
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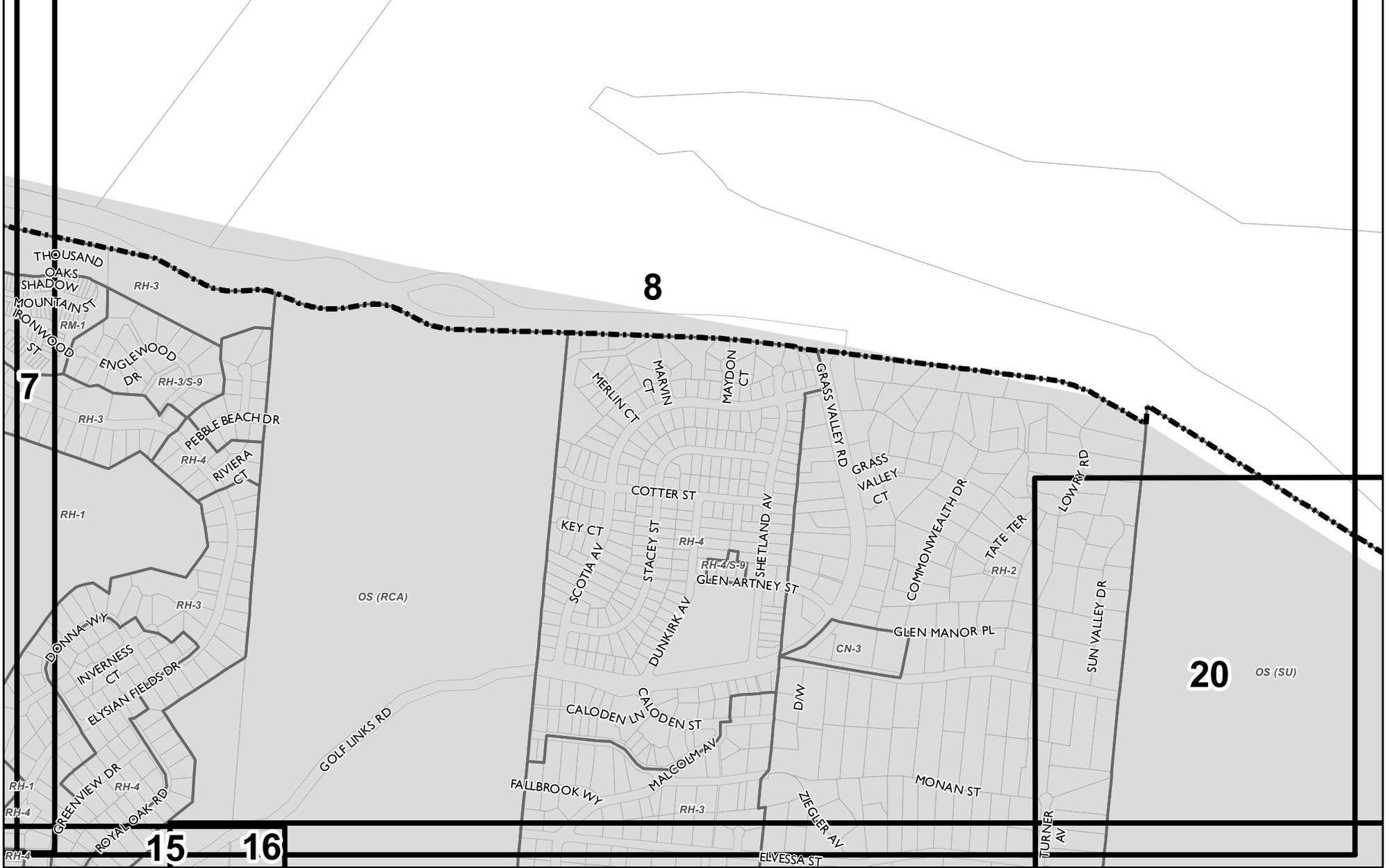
Planning & Building Department
June 2021

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Map 7

 VHFHSZ Boundary
 Current Zoning
 City of Oakland

 Feet
 0 500

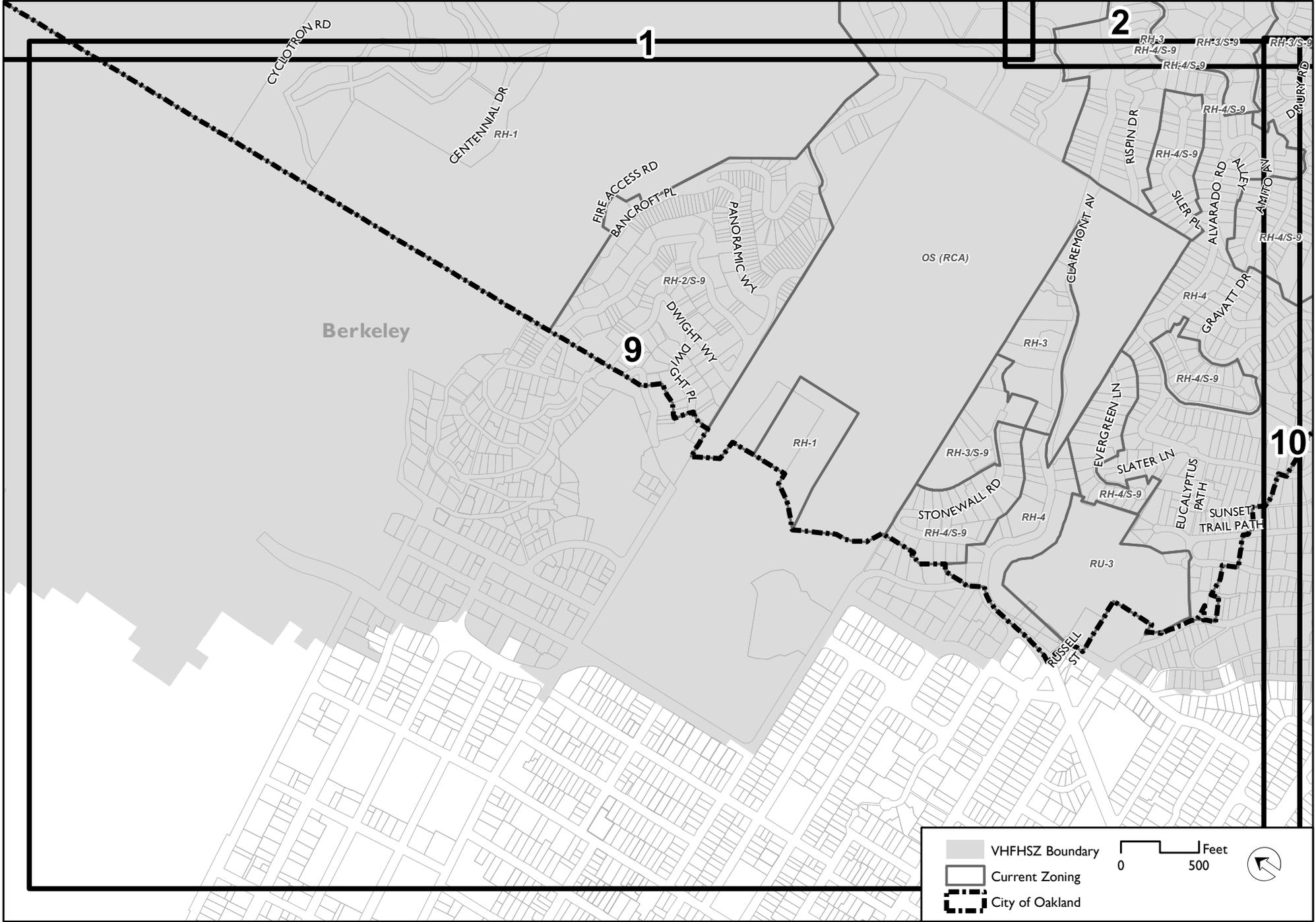



Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

Planning & Building Department
June 2021

NOTES: If any portion of a lot is within the VHFHSZ, the entire lot counts as inside the VHFHSZ. The VHFHSZ Boundary is subject to automatic change according to any changes by CAL FIRE to VHFHSZ.

Map 8



VHFHSZ Boundary
 Current Zoning
 City of Oakland

0 500 Feet

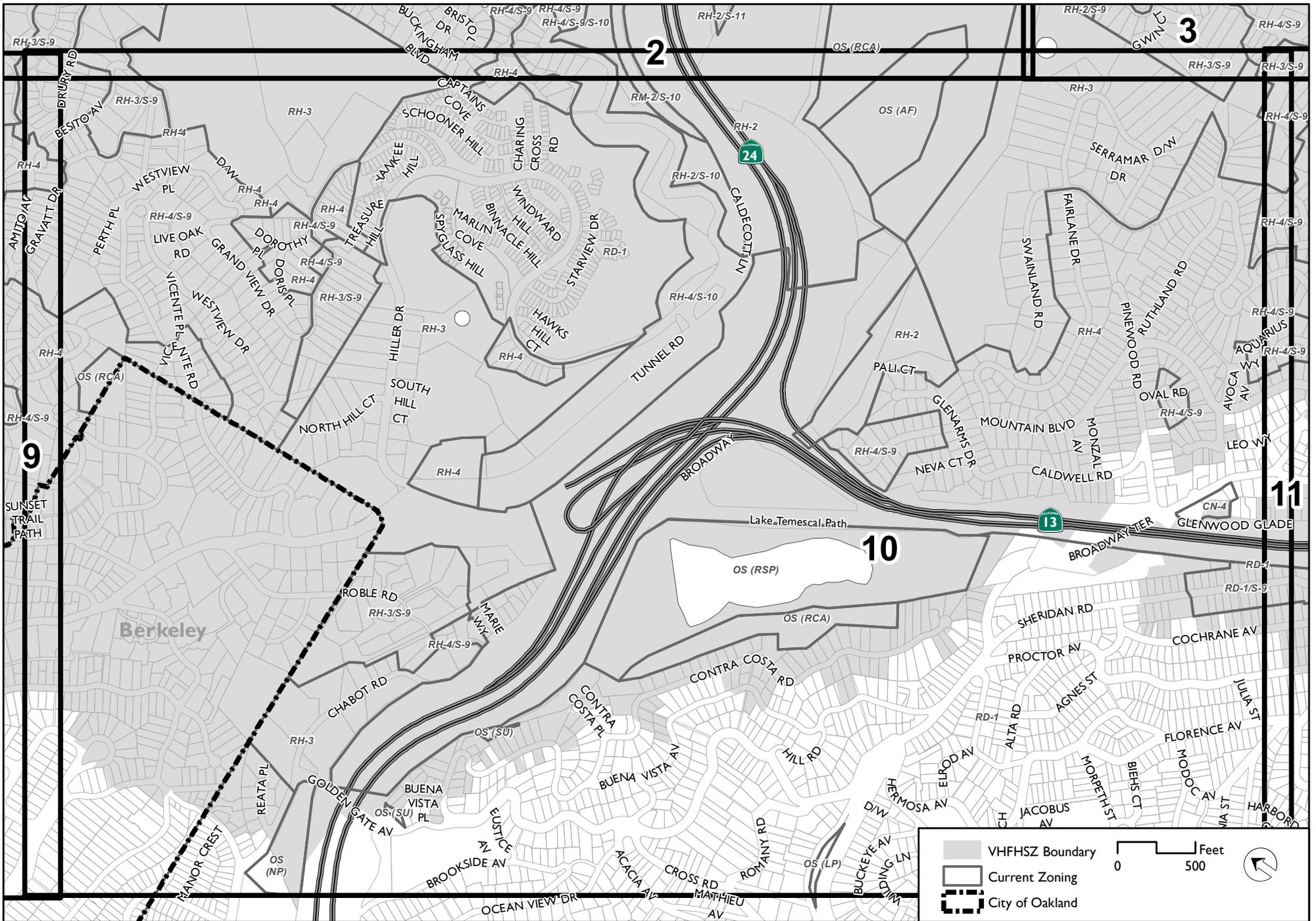


Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

Planning & Building Department
June 2021

NOTES: If any portion of a lot is within the VHFHSZ, the entire lot counts as inside the VHFHSZ. The VHFHSZ Boundary is subject to automatic change according to any changes by CAL FIRE to VHFHSZ.

Map 9



Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

Planning & Building Department
June 2021

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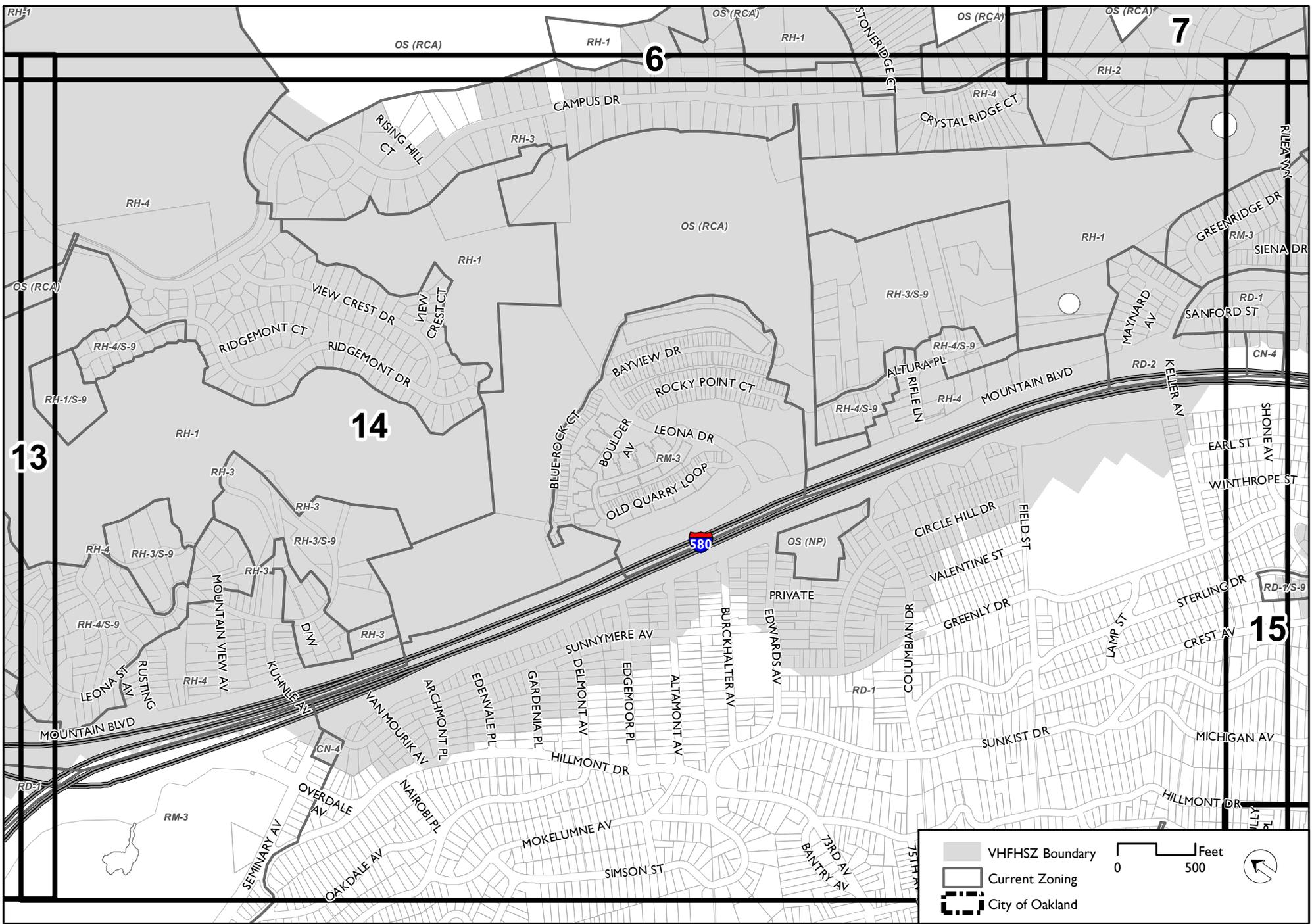
Map 10



Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

Planning & Building Department
June 2021

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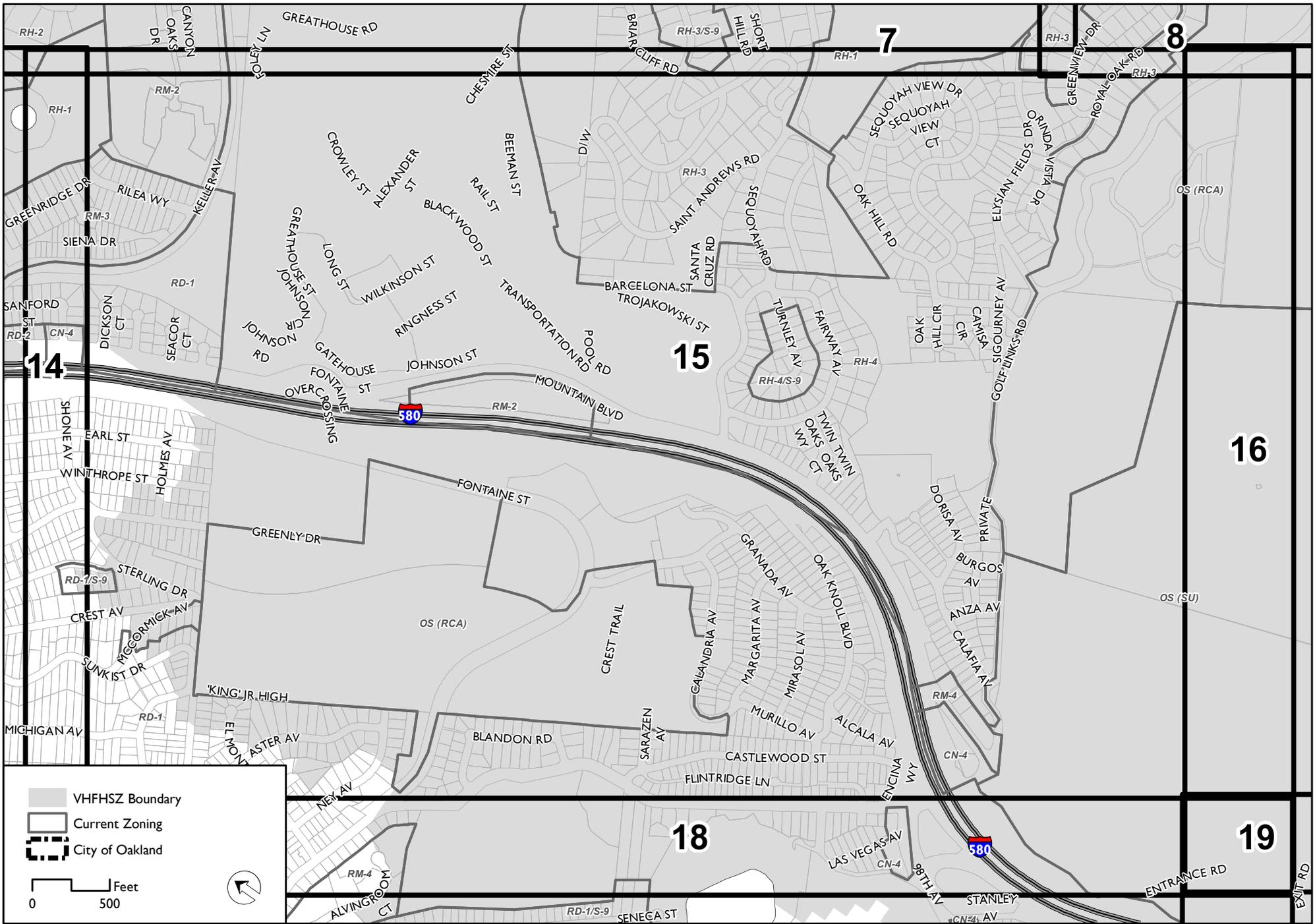


Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

Planning & Building Department
June 2021

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Map 14

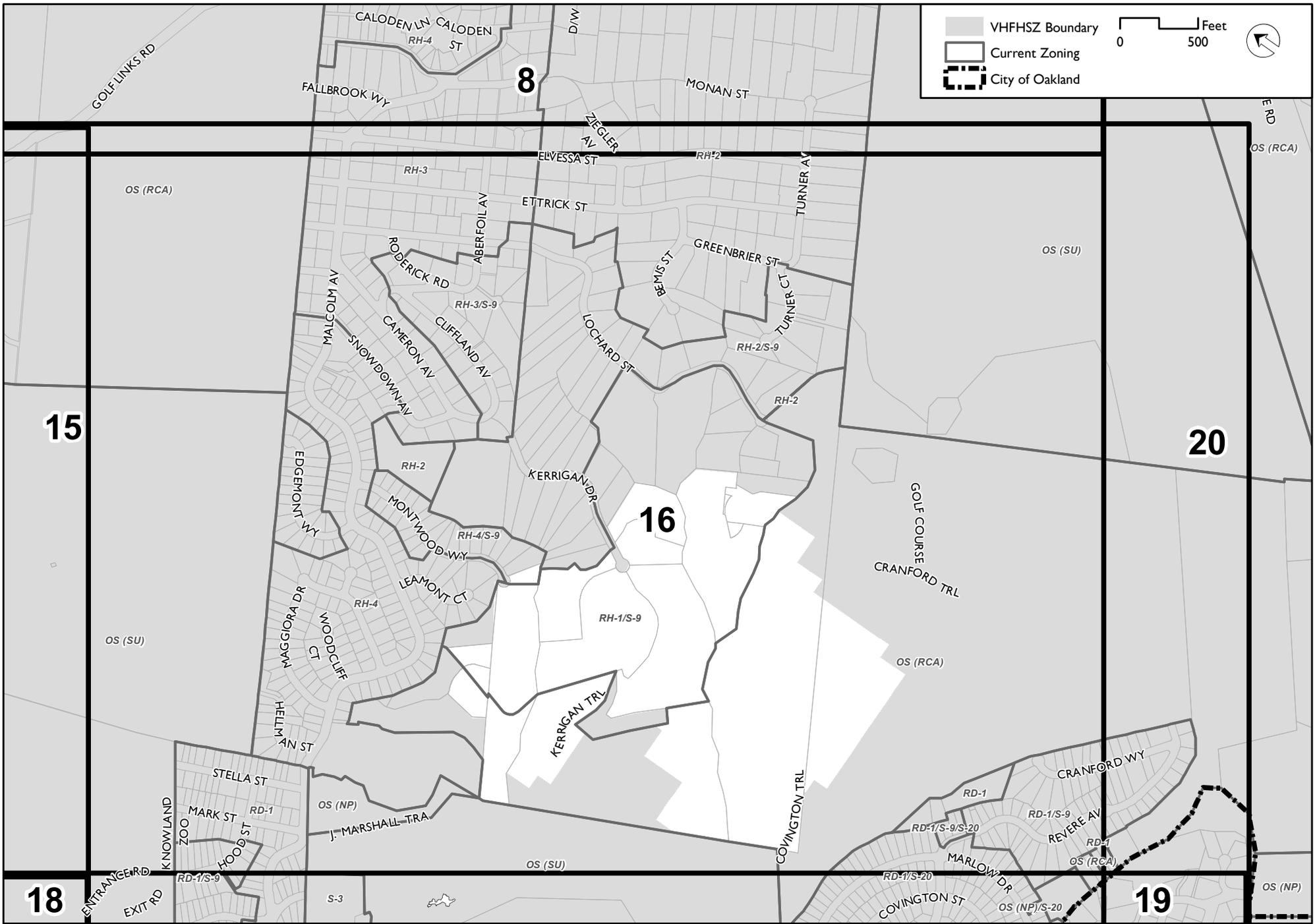


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Planning & Building Department
June 2021

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Map 15

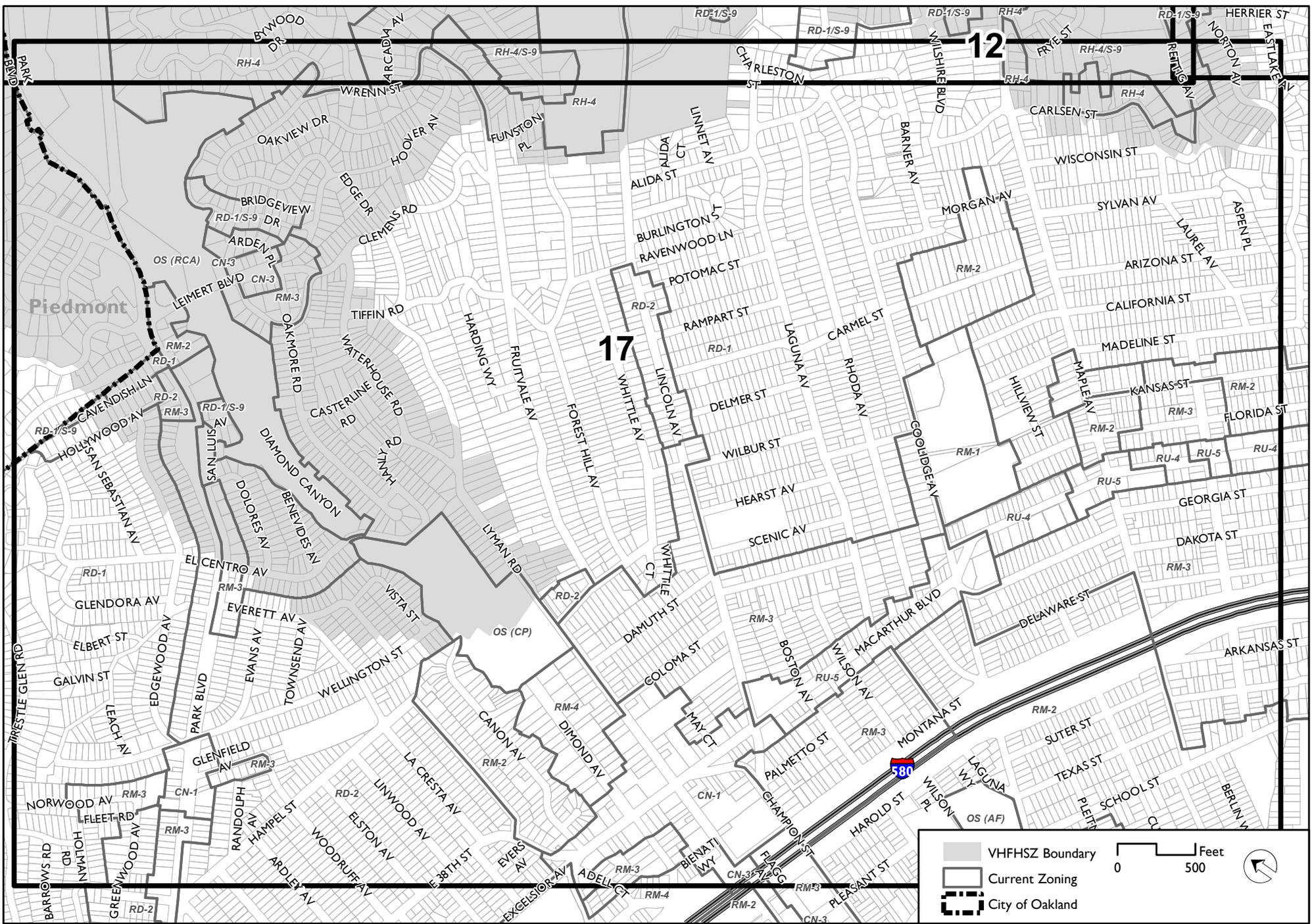


Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection "Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas"

Planning & Building Department
June 2021

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Map 16

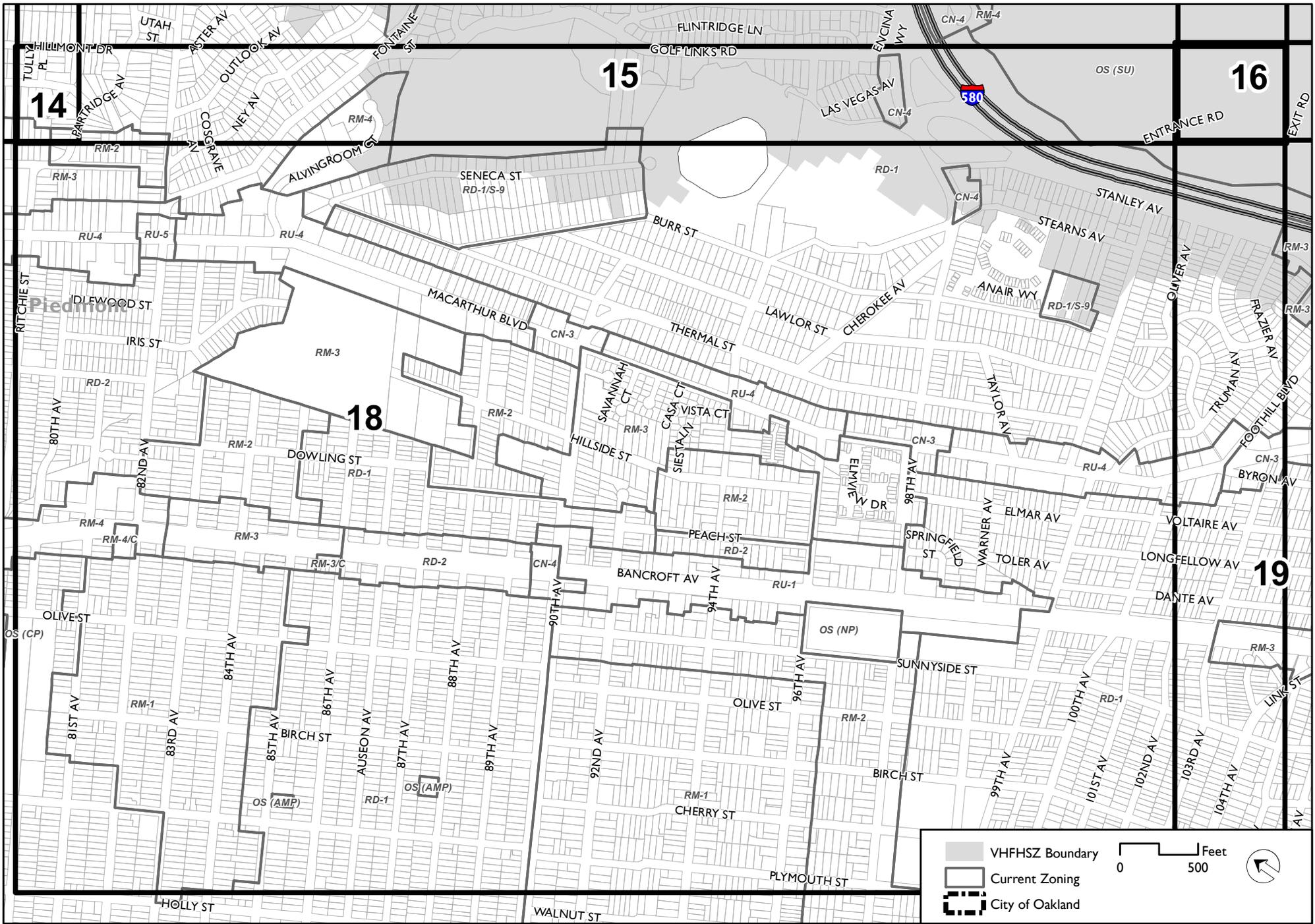


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Planning & Building Department
June 2021

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Map 17



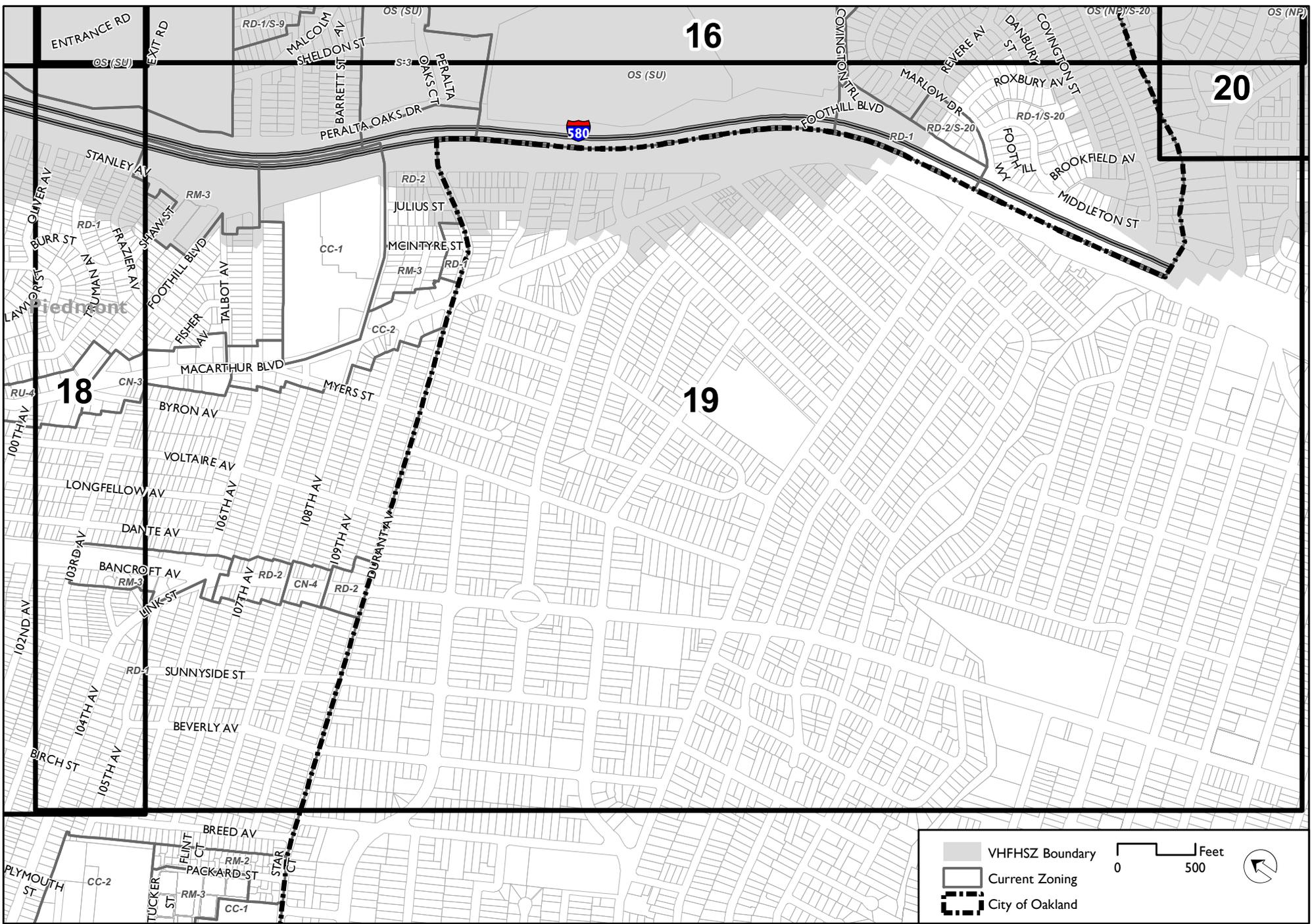
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Map 18



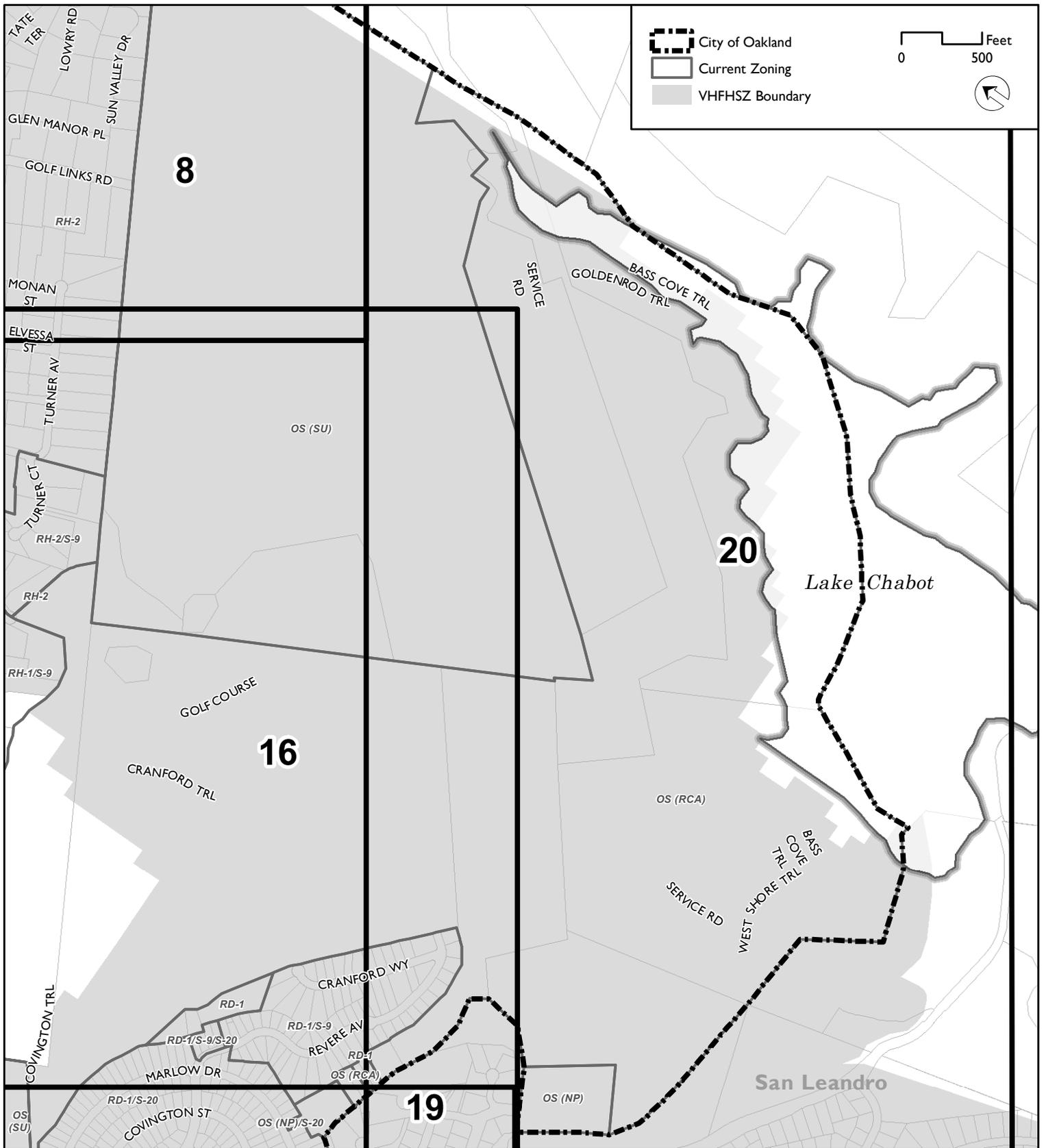


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Map 19

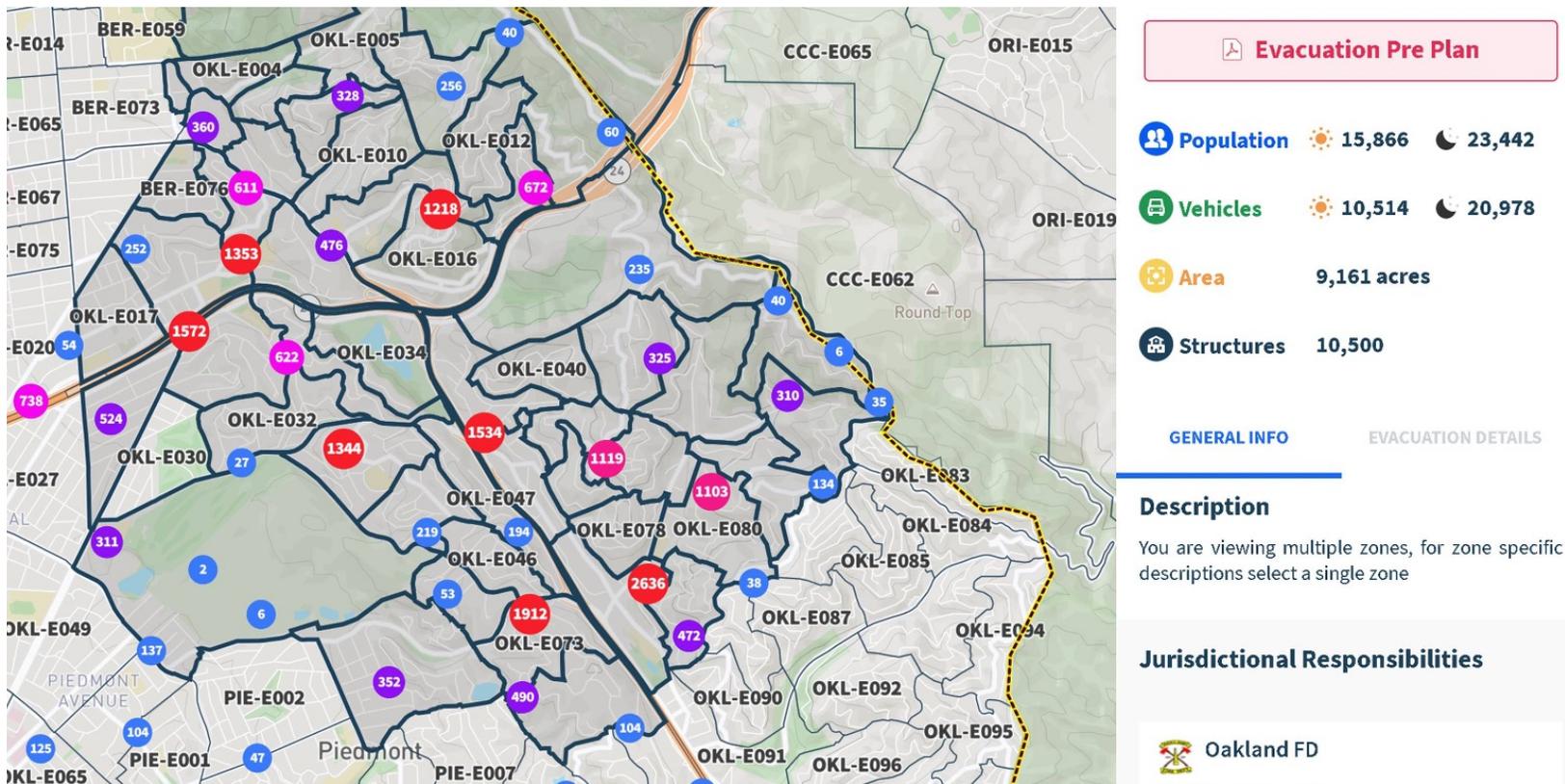


Planning & Building Department
 June 2021 

**Proposed Amendment to Align S-9 Safety Protection Combining Zone with California Department of Forestry and Fire Protection
 “Very High Fire Hazard Severity Zone (VHFHSZ) Boundary, State and Local Responsibility Areas”**

NOTES: If any portion of a lot is within the VHFHSZ, the entire lot counts as inside the VHFHSZ.
 The VHFHSZ Boundary is subject to automatic change according to any changes by CAL FIRE to VHFHSZ

Annotated Screenshot of Zonehaven Software Model of Oakland's 1991 Firestorm Under Current Roadway Conditions



Alameda County Office of Emergency Services has utilized *Zonehaven*, a software application that allows fire agencies throughout Alameda County to analyze emergency scenarios and determine infrastructure demands, including demand on streets, during mass evacuations. The software tool is currently being tested for a full public rollout later this year and will be critical to assisting with the real-time notification and coordination needs of any community evacuation.

Please note: This screenshot is for illustrative purposes only. It does not provide a full picture of the evacuation scenario, and it does not show all available inputs and outputs. The application requires an interpretation by a trained specialist from Oakland Fire Department. This exhibit is in support of a live demonstration of the tool by the OFD Chief during City Planning Commission hearing on June 2nd, 2021.

The image from one of *Zonehaven* tools is modeling an emergency evacuation scenario similar in scale to the Oakland firestorm of 1991. According to a trained OFD specialist, the image shows that there is not enough time or capacity to clear key intersections along main routes during mass evacuations from areas of Oakland Hills outlined in black. The map outlines the areas affected by a wildfire. The multi-colored circles with numbers represent the number of vehicles trying to escape through a given intersection along evacuation routes during a hypothetical mass evacuation. The brighter the circle, the more significant the “choke point” at a given intersection. Blue circles represent the least challenging intersections while red circles represent the most challenging and dangerous intersections.

This choke point issue goes beyond individual road pavement widths. Even wide intersections can experience severe bottlenecks during mass evacuations. The bottleneck issue also affects larger areas near or far away from the intersections shown, **even in places where roads have sufficient pavement width.** *Zonehaven* demonstrates a situation where escaping vehicles cannot clear a stalled intersection and trapping people in their cars. This condition also prevents emergency vehicles from being able to get to the fire and people in need of emergency assistance.

Excerpts from Oakland Local Hazard Mitigation Plan 2021 – 2026 (Draft document):

Link to the full document: https://cao-94612.s3.amazonaws.com/documents/2021-04-30_OaklandHMP_AgencySubmittalDraft_2021-05-13-231111_rlny.pdf

15.1.1 Fire Hazard Severity Zones

The California Department of Forestry and Fire Protection (CAL FIRE) has modeled and mapped wildfire hazard zones using a computer model that designates moderate, high, or very high fire hazard severity zones (FHSZ). FHSZ ratings are derived from a combination of fire frequency (how often an area burns) and expected fire behavior under severe weather conditions. CAL FIRE's model derives fire frequency from 50 years of fire history data. Fire behavior is based on factors such as the following (CAL FIRE, 2013):

- **Fuel**—Fuel may include living and dead vegetation on the ground, along the surface as brush and small trees, and above the ground in tree canopies. Lighter fuels such as grasses, leaves and needles quickly expel moisture and burn rapidly, while heavier fuels such as tree branches, logs and trunks take longer to warm and ignite. Trees killed or defoliated by forest insects and diseases are more susceptible to wildfire.
- **Weather**—Relevant weather conditions include temperature, relative humidity, wind speed and direction, cloud cover, precipitation amount and duration, and the stability of the atmosphere. When the temperature is high, relative humidity is low, wind speed is increasing and coming from the east (offshore flow), and there has been little or no precipitation, so vegetation is dry, conditions are very favorable for extensive and severe wildfires. These conditions occur more frequently inland where temperatures are higher, and fog is less prevalent.
- **Terrain**—Topography includes slope and elevation. The topography of a region influences the amount and moisture of fuel; the impact of weather conditions such as temperature and wind; potential barriers to fire spread, such as highways and lakes; and elevation and slope of land forms (fire spreads more easily uphill than downhill).

The model also is based on frequency of fire weather, ignition patterns, and expected rate-of spread. It accounts for flying ember production, which is the principal driver of the wildfire hazard in densely developed areas. A related concern in built-out areas is the relative density of vegetative fuels that can serve as sites for new spot fires within the urban core and spread to adjacent structures. The model refines the zones to characterize fire exposure mechanisms that cause ignitions to structures. Significant land-use changes need to be accounted for through periodic model updates.

15.2.2 Past Events

The most significant wildfire in recent history was the 1991 Tunnel Fire (aka Oakland Hills Fire and East Bay Hills Fire; see Figure 15-1). The fire started October 19 and was brought under control on October 23. It burned 1,520 acres, destroyed more than 3,200 structures, and had 25 confirmed deaths.

Northeasterly winds, known as Diablo Winds, that periodically occur in the fall contributed to the growth of the grass fire eventually generating its own wind, now known as a firestorm.



15.2.3 Location

In Alameda County, wildfire risk is primarily in the WUI areas with moderate, high, or very high fire threat risk. These are high-density areas in the mountainous and hillside areas of eastern Oakland and Berkeley, central Union City, and some portions of the southeastern corner of Alameda County (CAL FIRE, 2021). CAL FIRE's FRAP website includes maps of the communities most at risk for wildfire that are within 1.5 miles of a high or very high wildfire threat on federal or non-federal lands.

15.2.6 Warning Time

If a fire does break out and spread rapidly, residents may need to evacuate within days or hours. A fire's peak burning period generally is between 1 p.m. and 6 p.m. Once a fire has started, fire alerting is reasonably rapid in most cases. The rapid spread of cellular and two-way radio communications in recent years has further contributed to a significant improvement in warning time.

15.7 Issues

- The number of annual wildfire events within Alameda County has held steady over the last 10 years at about 40 fires per year. Any of these 40 fires could have the potential to escalate, especially in the Oakland Hills as was seen in 1991.
- Over 13 percent of the planning area's population lives in either high or very-high wildfire severity zones.
- Much of the planning area's building stock is of wood-frame construction built before 2008 when California building codes began requiring minimum standards for buildings in fire hazard severity zones. Large clusters of structures are wood-frame structures in high and very high severity zones.

- An estimated 35 percent of the critical facilities in the planning area are located in wildfire risk areas. A large number of the facilities are believed to be wood-frame structures. These facilities could have a significant amount of functional downtime after a wildfire. This creates not only a need for mitigation but also a need for continuity of operations planning to develop procedures for providing services without access to critical facilities.
- **There are vulnerable and isolated populations in areas of high and very high risk for wildfire.**
- Public education and outreach to people living in the fire hazard zones should include information about and assistance with mitigation activities such as defensible space, and advance identification of evacuation routes and safe zones.
- Wildfires could cause landslides as a secondary natural hazard.
- Analyses based on the degree of wildfire risk should be updated to match new calculations.
- Regional consistency, application and enforcement of higher building code standards such as residential sprinkler requirements and prohibitive combustible roof standards.
- Fire departments require reliable water supply in high-risk wildfire areas.
- **The Oakland WUI is fully built out, and evacuation in the event of a widespread fire can be restricted by a dense population attempting to leave the area in many vehicles at the same time. This can be compounded by narrow urban streets with parked cars creating barriers to evacuation. Planners and traffic engineers must look at the entire evacuation route. Most roads leading out of the City's hills are one lane in each direction. This could inform mitigation strategies that address road infrastructure projects in the WUI.**

Oakland Vegetation Management Report (Revised Draft)

Link to the full document: https://cao-94612.s3.amazonaws.com/documents/Oakland-VMP_Revised-Draft_NOV-1-2019.pdf

1. Brief Staff Analysis

The latest “Revised Draft” of the Oakland Vegetation Management Plan (the “Plan”) underscores the fact that the area within the Very High Fire Severity Zone (VHFSZ) is susceptible to Ground Fire, Surface Fire, and several types of Crown Fires. According to the Plan, the “topography, vegetation, and climatic conditions associated with the Plan Area combine to create a unique situation capable of supporting large-scale, high intensity, and sometimes damaging wildfires, such as the 1991 Tunnel Fire.” The history of wildfires in the Plan Area is set forth at Table 5 on page 76 (please see below for a relevant excerpt from Plan at pages 74-79).

As Table 5 shows, four (4) of the last eighteen (18) wildfires have occurred in 2017 alone, indicating that the threat of wildfires is on the rise with global warming. Table 5 also shows that nearly all of the significant wildfires have burned in the months of September, October, and November. As the Plan states, “this timeframe coincides with the end of the dry summer season, where vegetation has lower fuel moistures and Diablo winds return to the Plan Area. While not all the fires shown in Table 5 were associated with Diablo (easterly or northeasterly) winds, the largest and most damaging fires have occurred during such winds.”

The Plan makes clear that the unique topographic, vegetative and climatic conditions of the VHFSZ is such that its inhabitants are facing a “perfect storm” of fire risk conditions, while wildfire events are also increasing as a result of global warming.

In addition, the Plan notes that further exacerbating this risk is the challenging “disadvantages” of road infrastructure and housing density. The Plan describes the “land use within the City’s VHFSZ that creates conditions that can be described as either a wildland urban interface or a wildland urban intermix.” The area where urban development abuts vegetative fuels is known as the wildland urban interface (WUI). This condition exists within the City’s VHFSZ where structures abut City parklands and open space. Areas where the density of housing units

and structures is lower and/or the space between structures consists of vegetative fuels capable of propagating fire are more typically characterized as a wildland urban intermix (Intermix).

The Plan notes that the “WUI disadvantages” to the Oakland Fire Department (OFD), and its efforts at fire suppression, consist of the following:

WUI Disadvantages

- High housing density
- Congested roads during emergencies
- Limited options if the community water systems fail

Conversely, the Wildland Urban Intermix “advantages” cite “low housing density” as one of the area’s “advantages” in fighting fire suppression, while the Plan lists the following “disadvantages” to the Intermix area:

Intermix Disadvantages

- Increased Risk to firefighters
- Emergency equipment can only protect single assets
- Delayed emergency equipment response times due to:
 - Rural roads (single lane, windy, heavy fuel loading)
 - Long driveways
- Congested roads during emergencies
- Diversity in water supply systems
- Housing surrounded by vegetation

As set forth above, the “disadvantages” to fire suppression in both areas is related to “housing density,” water supply, and congested and challenging road infrastructure. As supported by OFD and the Plan, adding more human population to these areas, in the form of additional housing and population, will only further exacerbate the “disadvantages” to fire suppression and create further life safety dangers in the VHFSZ. Further, as laid out in Table 5, the wildfire danger is only increasing in recent years, with over 20% of the last century’s wildfires occurring in 2017. All of this evidence, in addition to evidence provided by OFD on the record, supports a prohibition of ADU development in the VHFSZ in order to limit human population, housing density, and the risk of congested road infrastructure so that OFD can stand the best chance at fire suppression when the next wildfire occurs in the area.

2. Relevant Excerpt from Vegetation Management Plan

2.4 Fire History and Ignitions

Fire history is an important component in understanding fire frequency, fire type, significant ignition sources, and vulnerable areas. The topography, vegetation, and climatic conditions associated with the Plan Area combine to create a unique situation capable of supporting large-scale, high-intensity, and sometimes damaging wildfires, such as the 1991 Tunnel Fire. The history of wildfires in the Plan Area is presented in Table 5.

Table 5
History of Wildfires in the Oakland Hills

Year	Month	Wind	Acres	Structures Lost	Location
1923	September	Diablo	130	584	North of UC Berkeley Campus
1931	November	Diablo	1,800	5	Leona Canyon
1933	November	Diablo	1,000	5	Joaquin Miller
1937	September	Westerly	700	4	Broadway Terrace
1940	September	Westerly	30	0	Broadway Terrace
1946	September	Diablo	1,000	0	Buckingham/Norfolk
1955	November	Westerly	10	0	Montclair
1960	October	Diablo	1,200	2	Leona Canyon
1961	November	South-Westerly	400	0	Briones Regional Park, Tilden Regional Park, Roberts Regional Recreation Area, Chabot Regional Park
1968	October	Westerly	204	0	North of Naval Hospital
1970	September	Diablo	204	37	Buckingham/Norfolk
1980	December	Diablo	2	5	Wildcat Canyon Road, Berkeley
1990	October	Westerly	200	0	Leona Canyon
1991	October	Diablo	1,700	3,000	Buckingham/Norfolk
2017	July	West/North	9	0	Grizzly Peak and South Park
2017	September	North	22	0	Leona Quarry
2017	October	Diablo	7	0	Elysian Fields and Gold Links Road
2017	December	Diablo	2.5	2	Snake Road and Colton Boulevard

Source: City of Oakland 2017b.

As presented in Table 5, nearly all significant wildfires have burned in the months of September, October, or November. This timeframe coincides with the end of the dry summer season, where vegetation has lower fuel moistures and Diablo winds return to the Plan Area. While not all the fires shown in Table 5 were associated with Diablo (easterly or northeasterly) winds, the largest and most damaging fires have occurred during such winds.

The history of wildfire ignitions in the Plan Area is directly related to human activity. Notable ignition locations include view spots along Grizzly Peak Boulevard or Skyline Boulevard that offer views of the San Francisco Bay and congregation areas within Joaquin Miller Park, along

Skyline Boulevard near Sequoia Point. Stolen vehicle dump sites are another potential wildfire ignition source, with notable locations in Joaquin Miller Park (near Sequoia Point) and at the water tank on Skyline Boulevard, approximately 0.5 miles west of its intersection with Grass Valley Road, near the entrance to Knowland Park. Mechanized and power equipment use (e.g., mowers) on private, residential parcels is another potential ignition source, one that was responsible for igniting the 1970 Diablo Fire. Fireworks present another potential ignition source in early summer on or near July 4, notably at King Estate Open Space Park (Crudele, pers. comm. 2017). Joaquin Miller

2.5 Fire Hazard Severity Zoning

As noted, the Plan Area is located within the City’s adopted VHFHSZ. Fire Hazard Severity Zones (FHSZs) are “geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189” (California Building Standards Commission 2016). Oakland’s VHFHSZ is a Local Agency VHFHSZ, as defined, and the City is considered a Local Responsibility Area (LRA). OFD is the responsible agency for fire protection within the City’s VHFHSZ. The Plan Area abuts lands where the responsibility for fire protection lies with the State of California (State Responsibility Areas (SRA)). The boundary of SRA lands proximate to the Plan Area is depicted in Figure 2.

California Public Resources Code Sections 4201–4204 and Government Code Sections 51175–51189 direct California Department of Forestry and Fire Protection (CAL FIRE) to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. The resulting FHSZs define the application of various mitigation strategies to reduce risk associated with wildland fires (CAL FIRE 2016a). The model used to determine the extent of FHSZs is based on an analysis of potential fire behavior, fire probability predicated on frequency of fire weather, ignition patterns, expected rate of spread, ember (brand) production, and/or past fire history (CAL FIRE 2016a). Structures built in FHSZs are subject to more stringent fire hardening requirements than those that are not.

2.6 Wildland Urban Interface/Intermix

The pattern of development and land use within the City’s VHFHSZ creates conditions that can be described as either a wildland urban interface or a wildland urban intermix. Urban areas are predominantly built-up environments with little or no exposure to vegetative fuels. Such areas are located primarily to the west of the City’s VHFHSZ. The area where urban development abuts vegetative fuels is known as the wildland urban interface (WUI). This condition exists within the City’s VHFHSZ where structures abut City parklands and open space. Areas where the density of housing units and structures is lower and/or the space between structures consists of vegetative fuels capable of propagating fire are more typically characterized as a wildland urban intermix (Intermix). This condition exists throughout the City’s VHFHSZ, notably where smaller undeveloped lots consisting of vegetative fuels are situated between structures. Both conditions present advantages and disadvantages with respect to reducing wildfire hazard, as described below.

2.6.1 Wildland Urban Interface

WUI areas are those within the “vicinity” of wildland vegetation. The wildland fire risk associated with WUI areas includes propagation of fire throughout WUI communities via house-to-house fire spread, landscaping-to-house fire spread, or ember intrusion. Advantages and disadvantages associated with WUI areas are as follows.

WUI Advantages

- Community water supply systems in place
- Multiple homes accessed by a single road
- Emergency equipment protects multiple assets at once
- Houses usually only exposed to flammable fuels on one side

WUI Disadvantages

- High housing density
- Congested roads during emergencies
- Limited options if the community water systems fail

2.6.2 Wildland Urban Intermix

Intermix areas are those where housing and vegetation intermingle. In the Intermix, wildland vegetation is continuous, and more than half of the land area is vegetated with combustible fuels. The wildland fire risk associated with Intermix areas includes vegetation-to-house fire spread or ember intrusion. Advantages and disadvantages associated with Intermix areas are as follow.

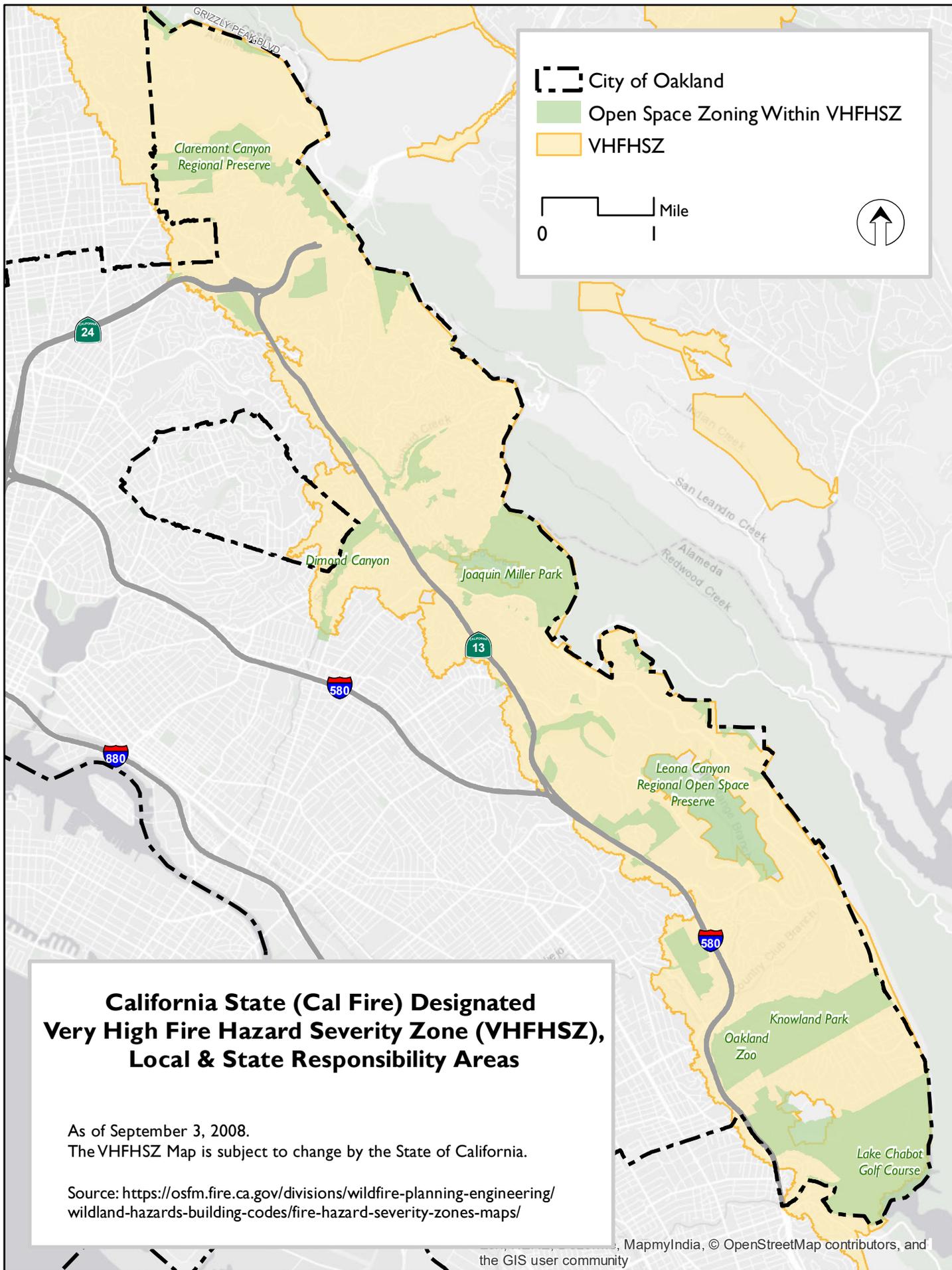
Intermix Advantages

- Low housing density
- Diversity in water supply systems

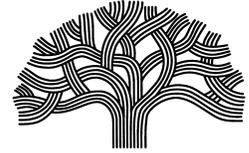
Intermix Disadvantages

- Increased risk to firefighters
- Emergency equipment can only protect single assets
- Delayed emergency equipment response times due to:

- Rural roads (single lane, windy, heavy fuel loading)
 - Long driveways
- Congested roads during emergencies
- Diversity in water supply systems
- Houses surrounded by vegetation



CITY OF OAKLAND



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Office of the Fire Chief
Reginald D. Freeman

Re: ADU Planning Code Amendments and Restrictions on Parcels Located in City of Oakland's Very High Fire Hazard Severity Zone (VHFHSZ)

Director Gilchrist,

I am offering this letter of support for the staff proposal regarding the ADU Planning Code Amendments and the restrictions that are included that would prohibit the development and construction of new Accessory Dwelling Units (ADU) in the city's Fire Hazard Severity Zone (VHFHSZ). I urge the Planning Commission to recommend this prohibition to the City Council as part of the proposed ADU Planning Code amendments.

Wildfires are a natural part of California's landscape and the potential risk of wildfires impacting communities in, and adjacent to, forested areas are at an all-time high. In the last few years, California has experienced the deadliest and most destructive wildfires in its history. Devastating wildfires have become the norm in recent years, with dozens of deaths and whole communities forced to evacuate on moment's notice. That is why local governments must address the wildfire risks associated with building and construction at the front end.

Oakland's history of wildfires is no secret in California, the Oakland firestorm of 1991 was one of the largest urban wildfires in history. The fire started on the border of Oakland and spread throughout the Berkeley hills. Ultimately 25 lives were lost, 150 people were injured, 1,520 acres of land was burned, and thousands of homes were destroyed. The high winds, steep terrain, and heavy fuel load made fighting this historic blaze a major challenge. The economic loss from the fire was estimated at \$1.5 billion.

While all of California is subject to some degree of fire hazard, there are specific features that make some areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as Fire Hazard Severity Zones, influence how people construct buildings and protect property to reduce risk associated with wildland fires. The maps are updated on an ongoing basis to incorporate improved fire science, data, and mapping techniques. Using the latest fire science, CAL FIRE has developed, and field tested a model that serves as the basis of zone assignments. The model evaluates properties using characteristics that affect the probability of the area burning and potential fire behavior in the area. Many factors are considered such as fire history, existing and potential fuel, flame length, blowing embers, terrain, weather, and the likelihood of buildings igniting.

The Fire Hazard Severity Zones identify fire hazard, not fire risk. "Hazard" is based on the physical conditions that give a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts. As a Fire Department, our Command Staff pays very close attention to shifting fire science, climate change, and the topography of our service area. The hazards and risks in play in these high-risk zones keep our

personnel up at night. Eliminating undue risk and hazards in the East Bay hills, such as ADUs, would go a long way to preventing the next major fire related disaster in this region.

The City Council adopted Resolution No. 87940 C.M.S. in response to the increased concerns of the past few seasons. As a response to this concern, the City established a Wildfire Prevention Working Group that meets regularly to both address short term needs and to continue the various long-term strategy planning and implementation. The Wildfire Prevention Working Group consists of the following Departments: Oakland Fire Department (OFD), Oakland Public Works (OPW), Department of Transportation (OakDOT), Bureau of Planning and Building (P&B), Oakland Police Department (OPD), and the City Administrator's Office as convener. The meetings cover a range issues related to immediate fire safety challenges, ongoing hazard mitigation, with a strong emphasis on coordination between departments and nearby jurisdictions, as well as the Oakland community members likely to be most directly impacted by a wildfire in the very high fire hazard severity zone.

As noted in the current draft of the City's Vegetation Management Plan, adding ADUs and creating a higher level of density in the FHSZ and areas known as the Wildland Urban Interface (WUI) would pose an adverse fire risk to everyone in those communities, including the very people the new ADUs are designed to house. Current State law allows garages to be converted into ADUs without any off-street parking replacement. If that were to happen in these zones, it would push even more vehicles onto already crowded streets. As the Fire Department partners with the County using new technology, *Zonehaven*, to map evacuation routes for these zones, reducing congestion is of utmost importance. Moreover, additional density will exacerbate the already dangerous vehicle back-up and choke points at intersections that will occur during mass wildfire emergency evacuations. This existing and worsening "bottleneck" issue affects traffic flow and public safety on streets within VHFHSZ regardless of their available road width because multiple roads feed into the same key intersections needed to evacuate. When these key interactions become clogged, no cars can escape, and no emergency vehicles can get through to fight the fire or assist people to escape. In addition, adding new development in these areas will increase the amount of combustible fuel in the area, leading to a higher number of ignition sources and the likelihood of rapid spread of wildfire.

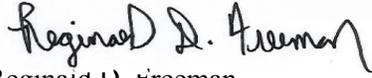
The Oakland Fire Department and the Wildfire Working Group is extremely sensitive to California's housing crisis and support the increases in density that strategically placed ADUs can achieve. However, there is a need to balance that with the very real increase in wildfires that are destroying thousands of housing units each year across California. Your recommendation to create reasonable restrictions on ADUs in the High Fire Severity Zone is a great example of establishing that balance. Now more than ever, Oakland residents and communities throughout the region are looking for their government to take pro-active steps to increase public safety and promote emergency preparedness. A surge in ADU's in the high fire severity zone project will put new and existing residents at risk and may worsen the climate crisis.

The Oakland Fire Department is fortunate to have built many proactive relationships with our partnering agencies who recognize that strategic and sustained action is necessary to protect the City's infrastructure, preserve life and property and enable the City to prosper without catastrophic loss due to wildfire.

Now more than ever, Oakland residents and communities throughout the region are looking for their government to take pro-active steps to increase and promote public safety preparedness. A

surge in ADU's in the high fire severity zone project put new and existing residents at risk and may worsen the climate crisis.

Thank you for your consideration,

A handwritten signature in black ink that reads "Reginald D. Freeman". The signature is written in a cursive, slightly slanted style.

Reginald D. Freeman
Fire Chief, Oakland Fire Department
City of Oakland



CITY OF OAKLAND
Office of the City Administrator

1 Frank H. Ogawa Plaza, 11th Floor • Oakland, CA 94612

Joe DeVries, Director, Interdepartmental Operations
Email: jdevries@oaklandca.gov

Phone: 510-238-3083
Fax: 510-238-7084

To: William A. Gilchrist, Director, Planning and Building Department
Re: Accessory Dwelling Unit (ADU) Planning Code Amendments and Restrictions in the High Fire Severity Zone
Date: May 17, 2021

Director Gilchrist,

I am offering this letter of support for the staff proposal regarding the ADU Planning Code Amendments and the restrictions that are included on parcels located in the High Fire Severity Zone. As you know, the City Council adopted Resolution 87940 C.M.S. in 2019 declaring Wildfire Prevention as a top priority for the city and this led to the creation of the Wildfire Prevention Working Group. The Working Group includes several departments to ensure we take a comprehensive approach to prevention and that has lifted up the importance of the Planning Department's contribution to prevention through appropriate zoning restrictions.

In recent years, the Fire Department and Department of Transportation conducted an inventory of streets in the High Fire Severity Zone and identified multiple "choke points" where it is very difficult for a fire engine to get through. Although the City has placed parking restrictions in these areas, it is not possible to have an enforcement presence at all times and we never know when a fire or other emergency will strike. Adding ADUs and creating a higher level of density would be dangerous to everyone in those communities, including the very people the new ADUs are designed to serve. Furthermore, in the event of a large-scale fire, evacuation routes can quickly become clogged as we witnessed in the tragic Paradise Fire. Restrictions are needed to avoid a similar tragedy in Oakland. Current State law allows garages to be converted into ADUs without any off-street parking replacement. If that were to happen in these zones, it would push even more vehicles onto already crowded streets. As the Fire Department partners with the County using new technology to map evacuation routes for these zones, reducing congestion is of the utmost importance.

The Working Group is sensitive to California's housing crisis and supports the increases in density that ADUs can achieve. However, there is a need to balance that with the very real increase in wildfires that are destroying thousands of housing units each year across California. Your recommendations to create reasonable restrictions on ADUs in the High Fire Severity Zone is a great example of establishing that balance.

In partnership,

A handwritten signature in black ink, appearing to read "Joe DeVries", written over a horizontal line.

Joe DeVries, Director, Interdepartmental Operations
Office of the City Administrator

020621_CPC_Staff_Report, Updated

Final Audit Report

2021-05-28

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