

The following is the public review draft of the D-DT Downtown District Zones intended for public review. The height/intensity maps and associated regulations, including the Zoning Incentive Program, are not included in this draft. They will be released prior to the May 25, 2022 public meeting about the Development Standards and Zoning Incentive Program.

CHAPTER 17.101K – D-DT DOWNTOWN DISTRICT ZONES REGULATIONS

Sections:

Article I – Title, Intent and Applicability of the D-DT Zones

Article II – Special Permit Requirements

Article III – Use Requirements

Article IV – Development and Design Standards

Article V – D-DT Combining Zones

Article I – Title, Intent and Applicability of the D-DT Zones

Section 17.101K.010 – Title, intent, and applicability.

Section 17.101K.010 – Title, intent, and applicability.

- A. Title, intent, and applicability. The provisions of this Chapter shall be known as the D-DT Downtown District Zones Regulations. These regulations shall apply to the corresponding zones on the Zoning Map. The intent of the D-DT Zones is to implement the Downtown Oakland Specific Plan (DOSP). These zones are consistent with the following goals of the DOSP:
1. Create opportunities for economic growth and security for all Oaklanders;
 2. Ensure sufficient housing is built and retained to meet the varied needs of current and future residents;
 3. Make downtown’s streets comfortable, safe, and inviting and improve connections throughout the city so that everyone has efficient and reliable access to downtown’s jobs and services;
 4. Encourage diverse voices and forms of expression to flourish;
 5. Provide vibrant public spaces and a healthy environment that improve the quality of life downtown today and for generations to come; and
 6. Develop downtown in a way that meets community needs and preserves Oakland’s unique character.
- B. **Intent of primary zones.** This Chapter establishes land use regulations for the following ten (10) primary zones as established on the Zoning Map:

- 1. D-DT-P Downtown District Pedestrian Commercial Zone.** The intent of the D-DT-P Zone is to create, maintain, and enhance the downtown core for pedestrian-oriented and active uses on the ground floor. Upper stories are intended for a wide range of commercial and residential activities.
 - 2. D-DT-C Downtown District General Commercial Zone.** The intent of the D-DT-C Zone is to create, maintain, and enhance areas of Downtown appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended for a wide range of commercial and residential activities.
 - 3. D-DT-CX Downtown District Mixed Commercial Zone.** The intent of the D-DT-CX Zone is to designate areas of downtown appropriate for a wide range of residential, commercial, and compatible service and production activities.
 - 4. D-DT-R Downtown District Residential Zone.** The intent of the D-DT-R Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential development with small-scaled compatible ground-level commercial uses.
 - 5. D-DT-RX Downtown District Mixed Residential Zone.** The intent of the D-DT-RX Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential and mixed-use buildings.
 - 6. D-DT-CPW Downtown District Planned Waterfront Development Commercial Zone.** The intent of the D-DT-CPW Zone is to encourage and facilitate comprehensively planned public space, streets and residential and commercial developments that contribute to the Estuary and Lake Merritt Channel waterfronts and help connect Brooklyn Basin to Downtown.
 - 7. D-DT-CW Downtown District Estuary Waterfront Commercial Zone.** The D-DT-CW Zone is intended to create, maintain, and enhance areas of the Estuary Waterfront District to have a mix of marine, office, and other commercial uses.
 - 8. D-DT-AG Downtown District Art and Garage Commercial Zone.** The intent of the D-DT-AG Zone is to create, preserve, and enhance commercial areas in downtown’s Art and Garage District that are appropriate for specific service and production activities and provide adaptable space for artisans and craftspeople.
 - 9. D-DT-PM Downtown District Produce Market Commercial Zone.** The intent of the D-DT-PM Zone is to create, preserve, and enhance mixed industrial/commercial areas in Jack London’s historic Produce Market District that are appropriate for a wide range of retail, work/live, and commercial and wholesale establishments.
 - 10. D-DT-JLI Downtown District Jack London Industrial Zone.** The intent of the D-DT-JLI Zone is to create, maintain, and enhance mixed industrial/commercial areas along the western edge of the Jack London District that will act as a transition between the more intensive West Oakland industrial area south of I-880 and the Jack London commercial area extending to the east. This transitional industrial area requires enhanced design and site plan review to ensure that future development does not adversely impact adjoining zones.
- C. **Intent of Combining Zones.** This Chapter establishes land use regulations for the following combining zones as established on the Zoning Map. All land located a combining zone is subject to regulations of the primary zone unless specifically modified by provisions of regulations in this Chapter.

1. **Office Priority Combining Zone.** The intent of the Office Priority Combining Zone is to allow for require office related activities in certain areas of the Downtown District.
2. **Arts and Culture Combining Zone.** The intent of the Arts and Culture Combining Zone is to foster a sense of belonging for all Oaklanders, highlight Oakland’s rich history and diverse cultures, celebrate and strengthen ethnic enclaves, support communities harmed by racial inequities, and increase access to artistic and cultural expression.
3. **The Green Loop Combining Zone.** The intent of the Green Loop Combining Zone is to:
 - a. Provide safe, landscaped, inviting connections between commercial, cultural, recreational, natural, entertainment areas of the downtown and its adjacent neighborhoods; and
 - b. Create an enhanced pedestrian experience with distinctive storefront and landscaping enhancements.
4. **Sea Level Rise Combining Zone.** The Sea Level Rise Overlay Zone is intended to ensure finished floor heights of new construction and infrastructure account for scientifically accepted future rises in sea level to ensure the health and safety of future occupants and the long-term viability of new construction.

Article II – Special Permit Requirements

17.101K.020 – Conditional Use Permit for large-scale developments.

17.101K.030 – Required Design Review process.

17.101K.040 – Planned Unit Development Permit in the D-DT-CPW Commercial Zone.

17.101K.020 – Conditional Use Permit for large-scale developments.

No development that involves more than two hundred thousand (200,000) square feet of new floor area, or a new building or portion thereof of more than two hundred seventy-five (275) feet in height, shall be permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the Planned Unit Development procedure (see Chapter 17.140 for the PUD procedure).

17.101K.030 – Required Design Review process.

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

17.101K.040 – Planned Unit Development Permit in the D-DT-CPW Commercial Zone.

No development in the D-DT-CPW Zone that involves construction at or above one hundred (100) feet in height shall be permitted except upon the granting of a Planned Unit Development Permit (see Chapter 17.140 for the Planned Unit Development (PUD) Procedure and Chapter 17.142 for PUD Requirements). In addition to the general PUD criteria contained in Section 17.140.080, these proposals must also meet the following criterion:

- A. The proposal is consistent with planned street and other infrastructure improvements in the Downtown Oakland Specific Plan, particularly those that create an enhanced connection to the rest of the Jack London District to the west and adapt to and protect the public from sea level rise.

Article III – Use Requirements

17.101K.050 – Permitted and conditionally permitted activities.

17.101K.060 – Permitted and conditionally permitted facilities.

17.101K.070 – Special Regulations for D-DT Work/Live Nonresidential Facilities.

17.101K.050 – Permitted and conditionally permitted activities.

A. The following activity classifications are added for the purposes of this Chapter only. The descriptions of the other activity classifications listed in Table 17.101K.01 are contained in Chapter 17.10.

1. Artisan Production Commercial Activities.

Artisan Production Commercial Activities include the creation, exhibition, and on-site sale of art and artisan products. This includes street-oriented displays of artistic products and publicly accessible studio and sales spaces. These activities do not include manufacture, fabrication or production processes that produce noise, vibration, air pollution, fire hazard, or noxious emissions that could disturb or endanger neighboring properties. This classification also does not include the production of alcoholic beverages classified in Section 17.10.550 Custom Manufacturing Industrial Activities. Artisan Production Activities include, but are not limited to:

- a. Painting, drawing, photography, and sculpture with the on-site sale of the art;
- b. Small-scale jewelry, metalworking and woodworking production and on-site sales;
- c. Picture framing, and digital printing and on-site sales;
- d. Fashion design with custom sewing, textiles, and clothes fabrication and on-site sales;
- e. Custom furniture making with hand tools and on-site sales; and
- f. Food production and on-site sales (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) in areas with five thousand (5,000) square feet or less of floor area.

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

2. Boat and Marine-Related Sales, Rental, Repair and Servicing Commercial Activities.

Boat and Marine-Related Sales, Rental, Repair and Servicing Commercial Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of boats and other vehicles and facilities associated with water- and marine-based travel and movement. This classification also includes activities associated with docks and marinas where boats and ships are anchored, moored, rented, sold

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

B. Permitted, conditionally permitted, and prohibited activities

Table 17.101K.01 lists the permitted, conditionally permitted, and prohibited activities in the D-DT Zones. The descriptions of these activities are contained in Chapter 17.10 and in Subsection A, above.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.101K.01: Permitted, Conditionally Permitted, and Prohibited Activities

Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Office Priority*	
Residential Activities												
Permanent	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L1)(L4)	--(L1)(L4)	--(L4)	P(L27)	
Residential Care	P(L1)(L3)	P(L1)(L3)	P(L3)	P(L3)	P(L3)	P(L2)(L3)	--(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	--(L4)	P(L27)	17.103.010
Supportive Housing	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	C(L1)(L4)	C(L1)(L4)	--(L4)	P(L27)	
Transitional Housing	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	C(L1)(L4)	C(L1)(L4)	--(L4)	P(L27)	
Emergency Shelter	C(L3)	C(L3)	C(L3)	C(L3)	C(L3)	C(L2)(L3)	--(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	--(L4)	C(L3)	17.103.010
Semi-Transient	C(L1)	C(L1)	C	C	C	C(L2)	--(L4)	C(L1)(L4)	C(L1)(L4)	--(L4)	P(L27)	
Bed and Breakfast	P	P	P	P	P	--	--(L4)	C(L1)(L4)	C(L1)(L4)	--(L4)	--	17.103.125
Civic Activities												
Essential Service	P	P	P	P	P	P(L2)	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	P(L2)	P	--	--	--	P	
Community Assembly	C(L7)	C	C	C	C	C(L2)	C	--	--	C	C	
Recreational Assembly	P	P	P	P	P	P(L2)	P	--	C	C	P	

D-DT Zones Text Amendments – **DRAFT**

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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Office Priority*	
Consultative and Financial Service	P(L6)	P	P	P(L5)(L8)	P	P(L2)	P	P(L5)	P(L17)	--	P	
Check Cashier and Check Cashing	C(L11)	C(L11)	C(L11)	--	--	C(L2)(L11)	--	--	--	--	--	17.103.040
Consumer Cleaning and Repair Service	P(L5)	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P	P	
Consumer Dry Cleaning Plant	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L2)(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	
Artisan Production	P(L28)	P(L28)	P(L28)	P(L5)(L8)(L28)	P(L28)	P(L28)	P(L28)	P(L28)	P(L28)	P(L28)	P(L28)	
Group Assembly	P(L5)(L12)	P(L12)	P(L12)	P(L8)(L12)	P(L12)	P(L2)(L12)	P(L5)(L12)	C(L12)	C(L12)	C(L12)	P(L5)	
Personal Instruction and Improvement Services	P	P	P	P(L8)	P	P(L2)	P	C	C	C	P	
Administrative	P(L6)	P	P	P(L5)	P	P(L2)	C(L21)	P(L5)(L22)	P(L5)(L22)	--(L23)	P	
Business, Communication, and Media Services	P	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P	P	
Broadcasting and Recording Services Commercial Activities	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P	P	P(L22)	P	P	
Research Service	P(L6)	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P	P	
General Wholesale Sales	--	--	C	--	--	C(L2)	--	--	P	P	C	
Transient Habitation	C	C	C	C	C	C(L2)	C	--	--	--	--	17.103.050
Building Materials Sales	--	--	--	--	--	--	--	--	--	--	--	
Boat and Marine-Related Sales, Rental, Repair and Servicing	--	--	C(L13)	--	--	C(L2)	P	--	--	P(L13)	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	C(L13)	--	--	--	--	C	--	C(L13)	--	

Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Office Priority*	
Regional Freight Transportation	--	--	--	--	--	--	--	--	--	--	--	
Trucking and Truck-Related	--	--	--	--	--	--	--	--	--	--	--	
Recycling and Waste-Related												
A. Satellite Recycling Collection Centers	--	C	C	--	--	C(L2)	C	--	--	C	C	
B. Primary Recycling Collection Centers	--	--	--	--	--	--	--	--	--	--	--	
Hazardous Materials Production, Storage, and Waste Management	--	--	--	--	--	--	--	--	--	--	--	
Agriculture and Extractive Activities												
Limited Agriculture	--	P(L15)	P(L15)	P(L15)	P(L15)	P(L2)(L15)	--	--	--	P(L15)	--	
Extensive Agriculture	--	--	--	--	--	--	--	--	--	--	--	
Plant Nursery	--	--	--	--	--	C	--	--	--	P	--	
Mining and Quarrying	--	--	--	--	--	--	--	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	C	C	C	C	--	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	C	C	C	C	C	C	17.102.110

Limitations on Table 17.101K.01:

* The Office Priority Combining Zone activity regulations supersede the regulations of the base zone.

L1. See Table 17.101K.02 for limitations on the construction of new ground-floor Residential Facilities and new Residential Facilities in the Office Priority Zone.

L2. See Table 17.101K.02 for requirements and limitations regarding the construction of Residential Facilities, principal buildings, D-DT-Work/Live Nonresidential Facilities, additions, and accessory structures in the D-DT-CPW Zone.

L3. Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.

L4. These activities are only permitted in existing Residential Facilities. For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior the effective date of this Chapter.

L5. With the exception of parcels facing Broadway, San Pablo Avenue, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand five hundred (7,500) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L6. With the exception of retail bank branches and coworking spaces with one hundred (100) percent transparent windows, if located both on the ground floor of a building and within thirty (30) feet of the principal street facing façade (see Section 17.101K.080 for how to identify the principal street), these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the general CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades; and
- b. The proposal will not weaken the concentration and continuity of ground-floor commercial and will not impair the retention or creation of an important shopping frontage.

L7. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one (1) of these activities elsewhere in the building), the proposed activities must also meet the criteria contained in Note L6., above.

L8. These activities shall only be located on or below the ground floor of a building with the following two (2) exceptions:

- a. An activity is permitted anywhere above the ground floor if the floor area devoted to the activity is three thousand (3,000) square feet or less; and

- b. An activity located on the ground floor may extend to the second floor of a building if both: 1) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 2) there is a direct internal connection between the ground floor and the second story activities.

L9. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or Licensed Emergency Shelters. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

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

L11. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L12. No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities.

L13. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.

L14. Automotive fee parking is permitted upon the granting of Conditional Use Permit (see Chapter 17.134 for the CUP procedure) if it is in either a parking structure or in a below-grade parking lot. Automotive fee parking is otherwise prohibited.

L15. Limited Agriculture is permitted if the activity occupies less than five thousand (5,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure). In the D-DT-JLI Zone, applicant must receive approval from Alameda County that the soil is suitable for limited agriculture.

L16. If located both on the ground floor of a building and within thirty (30) feet of the principal street façade (see Section 17.101K.080 for how to identify the principal street), these activities are not permitted in a tenant space that is adjacent to two streets at an intersection. The total linear frontage length devoted to these activities on the ground floor, and within thirty (30) feet of the principal street facade (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building), may only exceed twenty-five percent (25%) of the total linear frontage length from street corner to street corner on the subject side of the street upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the general CUP criteria contained in Section 17.134.050, these conditionally permitted activities

must also meet the additional criteria contained in Note L6, above. Also, all ground floor window space on the ground floor facade shall be clear, non-reflective, and allow views into the indoor space.

L17. These activities are not permitted if both located on the ground floor of a building and within fifty (50) feet of a front property line; incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this restriction.

L18. The activities are limited to daycare and elementary schools occupying less than ten thousand (10,000) square feet of floor area or daycare and elementary schools occupying more than ten thousand (10,000) square feet of floor area that include an approved circulation plan, including passenger loading areas and student pickup and drop-off sites.

L19. These activities are only permitted if they occupy less than fifty percent (50%) of the total ground floor of a building.

L20. These activities are only permitted as accessory to Consumer Cleaning and Repair Service facilities.

L21. These activities shall only be located on the ground floor of a principal building if they provide services to the public.

L22. These activities are not permitted on the ground floor of a building.

L23. Administrative activities accessory to an Industrial Activity are limited to twenty percent (20%) of floor area in the D-DT-JLI Zone.

L24. These activities are only permitted as accessory activities to an Animal Care Commercial Activity.

L25. These activities shall only be permitted if they have ground floor space dedicated to General Retail Sales Commercial Activity within the front thirty (30) feet of the principal building.

L26. These activities are only permitted in existing buildings. For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this Chapter.

L27. Residential activities are only permitted in the Office Priority Combining Zone if the project meets the office floor area requirements contained in Table 17.101K.02, note L6.

L28. During operating hours, ground floor Artisan Production Commercial Activities shall be open to the public to purchase and view items produced on site. On other floors, these activities shall either be open to the public during operating hours or available by appointment to view and purchase items produced on site.

17.101K.060 – Permitted and conditionally permitted facilities.

A. The following facility classifications are added for the purposes of this Chapter only. The descriptions of the other facility classifications listed in Table 17.101K.01 are contained in Chapter 17.10.

1. D-DT Work/Live Nonresidential Facilities.

D-DT Work/Live Nonresidential Facilities include permanently fixed buildings, or those portions thereof, that accommodate or are intended to accommodate D-DT Work/Live Units as defined in Section

17.101K.070. This classification also includes certain facilities accessory to the above, as specified in Section 17.10.070.

B. Table 17.101K.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-DT Zones. The descriptions of these facilities are contained in Chapter 17.10 and in Subsection A, above.

“P” designates permitted facilities in the corresponding zone.

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

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

“—” designates facilities that are prohibited.

Table 17.101K.02: Permitted, Conditionally Permitted, and Prohibited Facilities

Activities	Primary Zones										Combining Zone*	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Office Priority	
Residential Facilities												
One-Family Dwelling	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--	--	--(L1)	--	--	--	
Two-Family Dwelling	--(L1)	--(L1)	--(L1)	P(L2)	--(L1)	--	--	--(L1)	--	--	--	
Multifamily Dwelling	P(L2)(L3)	P(L2)(L3)	P	P	P	P(L9)	--	--(L1)	--	--	--(L4)	
Rooming House	P(L3)	P(L3)	P	P	P	P(L9)	--	--(L1)	--	--	--(L4)	
Vehicular	--(L1)	--(L1)	--(L1)	--(L1)	--(L1)	--	--	--(L1)	--	--	--	
Nonresidential Facilities												
Enclosed Nonresidential	P	P	P	P	P	P(L9)	P	P	P	P	P	
Open Nonresidential	P	P	P	C(L5)	C(L5)	P(L9)	P	P	P	P	P	
Sidewalk Café Nonresidential	P	P	P	P	P	P(L9)	--	P	P	P	P	17.103.090
Drive-In Nonresidential	--	--	--	--	P	--	--	--	--	--	--	
Drive-Through Nonresidential	--	--	--	--	--	--	--	--	--	--	--	17.103.100
D-DT Work/Live Nonresidential	P(L3)(L6)	P(L6)	P(L6)	P(L6)(L7)	P(L6)	P(L6)(L9)	P(L6)	P(L6)(L8)	P(L6)(L8)	--	--	17.101K.070
Telecommunications Facilities												

Activities	Primary Zones										Combining Zone*	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Office Priority	
Micro Telecommunications	P	P	P	P	P	P	P	P	P	P	P	17.128
Mini Telecommunications	P	P	P	C	C	P	P	P	P	P	P	17.128
Macro Telecommunications	C	C	C	C	C	C	C	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	--	--	--	--	--	--	C	C	17.128
Tower Telecommunications	--	--	--	--	--	--	--	--	--	--	--	17.128
Sign Facilities												
Residential Signs	P	P	P	P	P	P	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	P	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	P	P	P	P	P	17.104
Advertising Signs	--	--	--	--	--	--	--	--	--	--	--	17.104

Limitations on Table 17.101K.02:

* If a D-DT Primary Zone also has the Office Priority Combining Zone, the Office Priority regulations supersede the Primary Zone.

- 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 applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.
- L2.** See Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units.
- L3.** Except as indicated in a., below, construction of new ground-floor Residential Facilities and D-DT Work/Live Nonresidential Facilities is not permitted within thirty (30) feet of the principal street facade:
 - a. Buildings not located within thirty (30) feet of the principal street facade and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement. See Section 17.101K.080 for how to identify the principal street.

- L4.** These facilities may only be established if sixty (60) percent or more of the maximum FAR is developed with Enclosed Nonresidential Facilities containing office space.
- L5.** No Conditional Use Permit (CUP) is required to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.
- L6.** See Section 17.101K.070 for special regulations for D-DT Work/Live Units.
- L7.** These facilities are only permitted on the ground floor.
- L8.** These facilities are only permitted above the ground floor of existing buildings or in upper story additions to existing buildings.
- L9.** No Residential Facility, principal building, D-DT-Work/Live Nonresidential Facility, addition, or accessory structure shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height. This minimum height is measured to the floor of the top story.

17.101K.070 – Special Regulations for D-DT Work/Live Nonresidential Facilities.

- A.** Definition of a D-DT Work/Live Unit. D-DT Work/Live Units are units contained within D-DT Work/Live Nonresidential Facilities that are designed to contain working space with accessory living space, are used for living and working, and meet the requirements of this Section.
- B.** A D-DT Work/Live Nonresidential Facility must meet all applicable regulations contained in this Section. Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into Joint Living and Working Quarters (JLWQs) does not apply to the D-DT Zones.
- C.** D-DT Work/Live Units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
- D.** All D-DT Work/Live Units shall be designed under the Building Code to have customers and employees. In the D-DT-AG and D-DT-PM Zones, D-DT Work/Live Units shall be designed under the Building Code to allow manufacturing activities.
- E.** At least two-thirds of each unit shall be designated for working activities. Working and living activities shall be designated according to the following requirements:
 - 1.** In unpartitioned kitchens or work areas that include kitchen fixtures and appliances, the following areas are considered living space: the counters, cabinets, eating space, sink and appliances in the area that will function as a kitchen and the floor area that is four (4) feet in front these items.
 - 2.** If there is only one bathroom, half the bathroom shall be counted as living space and half shall be counted as work space. Otherwise, bathrooms are counted as living space if their access is through living space. For instance, a bathroom in a loft is considered living space if the loft is a sleeping area. If the bathroom is accessed directly from the workspace, the bathroom shall be counted as workspace. If accessed directly from both, half the bathroom is considered living space and the other half commercial.
 - 3.** Interior hallways and closets shall be counted as part of the space to which they are adjacent.
 - 4.** Living and working spaces shall be within the same Work/Live Unit and be directly connected.
 - 5.** To accommodate flexible work activities, working areas shall be open and with as few interior walls as possible. “Offices” enclosed by four walls are considered living space because they are indistinguishable from bedrooms and cannot be used flexibly for different working activities.
 - 6.** All ground-floor units adjacent to the front façade shall have a street entrance directly into the working area. For these units, the working area shall be adjacent to the street right-of-way.

- F. Regular Design Review required. Establishment of a D-DT Work/Live Unit shall only be permitted upon determination that the proposal conforms to the Regular Design Review criteria set forth in the Design Review Procedure in Chapter 17.136 and to each of the following additional criteria:
1. Units on the ground-floor level of a building have a business presence on the street, including signage. For units in Commercial Zones, this includes a storefront-style façade as described in 17.101K.130(d). For units in Industrial Zones, this includes extra wide entrances and, if feasible, roll-up doors. For units in Residential Zones, this includes a business door that is oriented towards the street.
 2. The layout of nonresidential floor areas within a Work/Live Unit provides a functional open area for working activities.
 3. The floor and site plan for the project includes an adequate provision for the delivery of items required for a variety of businesses, including artist’s work. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items;
 - b. Extra large slop sinks;
 - c. Doors, corridors, and stairwells wide and/or straight enough to deliver large items; and
 - d. Loading areas located near stairs and/or elevators;
- G. Activity, auto parking, bicycle parking, loading, open space, and unit size standards. Table 17.101K.03 below prescribes special regulations for D-DT Work/Live Units in applicable D-DT zones.

Table 17.101K.03 Special Regulations for D-DT Work/Live Units

Standard	Requirement	Notes
Activities allowed in a Work/Live Unit	Same permitted and conditionally permitted activities as described in Section 17.101K.050 for the applicable primary zone. For Residential Zones, activities permitted as Home Occupations are also permitted. Chapter 17.112 contains the Home Occupation regulations.	
Minimum size of a Work/Live Unit	800 square feet	
Required auto parking	No auto parking spaces required	
Required bicycle parking	One long-term space for each unit; minimum requirement is four long-term spaces. Five short-term spaces for each 20 units; minimum requirement is four short-term spaces.	1
Required usable open space	For new D-DT Work/Live Units that are completely or partially outside the envelop of an existing building, the usable open space requirements for regular dwelling units are applied (see Section 17.101K.150 for these open space requirements). No additional usable open space is required for D-DT Work/Live Units that are completely within the envelop of an existing building. For these conversions, maintaining existing usable open space to at least the minimum standards for regular dwelling units is required.	
Required loading		1,2
Less than 25,000 sf.	No berth	
25,000—99,999 sf.	One berth	
100,000—199,999 sf.	Two berths	

Standard	Requirement	Notes
200,000 sf. or more	Three berths	

Notes:

1. See Chapter 17.117 for bicycle parking standards.
2. Loading requirements apply to new construction and additions only. For conversion of existing buildings, maintaining existing loading to at least these minimum number of berths is required. Also, see Chapter 17.116 for loading standards.

Article IV – Development and Design Standards

17.101K.080 – Determination of Principal and Secondary Streets.

17.101K.090 – Lot, Setback, and Ground Floor Requirements

17.101K.100 – Base Height and Intensity Standards

17.101K.120 – Zoning Incentive Program

17.101K.130 – General Design Standards

17.101K.140 – Development Standards for New Construction on Lots Adjacent to the Lake Merritt Channel

17.101K.150 – Usable Open Space Standards

17.101K.080 – Determination of Principal and Secondary Streets.

- A. This section describes how to determine the principal street abutting a lot.
- B. For lots with one abutting street, the abutting street is the principal street.
- C. On lots with more than one frontage, streets intended to have a high volume of pedestrian traffic and/or ground-floor commercial activity shall be principal streets for the purpose of this Chapter. In order of priority, the following shall be principal streets when they abut a development site:
 1. Broadway, Telegraph Avenue, and San Pablo Avenue;
 2. Streets in the D-DT-P Zone;
 3. Thomas Berkley Way and 20th Street;
 4. Streets in the Arts and Cultural Combining Zone;
 5. Streets in the Green Loop Combining Zone;
 6. Streets in the D-DT-C Zone; and
 7. All other streets.
- D. For lots with two frontages, one (1) abutting street shall be the principal street and the other the secondary street. In this case, the street with the highest priority as described in Subsection (C) shall be the principal street. When the two streets have the same priority, then the Planning Director or their designee shall determine the principal street based on the development pattern, street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and traffic control of intersections.
- E. For lots with more than two (2) abutting streets, only one (1) street shall be determined to be a secondary street and the remaining shall be principal streets unless a determination is made by the Planning Director

or their designee that an additional secondary street(s) is required to accommodate loading, parking, circulation, and utility placement. The principal street(s) shall be chosen as prioritized in Subsection (C). When streets have the same priority, then the Planning Director or his or her designee shall determine the principal street(s) based on the development pattern, street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and traffic control of intersections.

17.101K.090 – Lot, Setback, and Ground Floor Requirements

Table 17.101K.04 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

Table 17.101K.04 Development Standards for Downtown District Zones

	Primary Zones										Combining Zone	Notes
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Office Priority*	
Minimum Parcel Requirements												
Lot Width Mean	50 ft.	50 ft.	50 ft.	25 ft.	25 ft.	50 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft.	1
Frontage	50 ft.	50 ft.	50 ft.	25 ft.	25 ft.	50 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft.	1
Lot Area	7,500 sf.	20,000 sf.	7,500 sf.	3,000 sf.	3,000 sf.	20,000 sf.	7,500 sf.	3,000 sf.	7,500 ft.	7,500 sf.	30,000 sf	1
Minimum and Maximum Setbacks												
Minimum front setback	0 ft.	0 ft.	0 ft.	5 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front and street side setback for the first story	5 ft.	5 ft.	5/10 ft.	N/A	5/10 ft.	5/10 ft.	5 ft.	5 ft.	5 ft.	N/A	10 ft.	3
Minimum interior side setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Minimum street side setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Rear setback	0 ft.	0 ft.	0 ft.	10 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0/10 ft.	0 ft.	4
Ground Floor Requirements												
Minimum façade transparency for ground floor Nonresidential Facilities	65%	65%	55%	55%	55%	65%	65%	55%	55%	N/A	65%	5
Minimum height of	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	N/A	N/A	6

	Primary Zones										Combining Zone	Notes
ground floor Nonresidential Facilities												
Minimum separation between the grade and ground floor living space	N/A	N/A	2.5 ft.	2.5 ft.	2.5 ft.	2.5 ft.	N/A	N/A	N/A	N/A	N/A	7

Additional Regulations for Table 17.101K.04:

* If a D-DT Primary Zone also has the Office Priority Combining Zone, the Office Priority regulations supersede the Primary Zone.

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. No building shall be constructed within sixty (60) feet of the top of the bank of the Lake Merritt Channel. See Section 17.101K for other requirements for development adjacent to the Channel.
3. The following notes apply to the maximum yard requirements:
 - a. In the D-DT-RX, D-DT-CX, and D-DT-CPW Zones, the maximum front and street side setback for the first story is five (5) feet for Commercial Facilities and ten (10) feet for Residential Facilities.
 - b. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street (see Section 17.101K.080 for how to identify the principal street).
 - c. The requirements do not apply to new construction of facilities containing Civic Activities, Agricultural Activities, or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - d. These maximum yards apply to seventy-five percent (75%) of the principal street facade and fifty percent (50%) on secondary streets, if any (see Section 17.101K.080 for how to identify the principal and secondary streets). All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular Design Review (see Chapter 17.136 for the Design Review procedure). In addition to the criteria contained in Section 17.136.050, the proposal must also meet the following criterion:
 - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants, or to transition to the front setback of a neighboring Designated Historic Property or Potentially Designated Historic Property (see Section 17.101K.080 for how to identify the principal street).
4. The rear setback in the D-DT-JLI zone is zero (0) feet for properties that do not abut parcels with Residential Facilities and ten (10) feet for properties that abut parcels with Residential Facilities.

5. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the principal street facade. On all secondary street facades, the requirement is one-half (½) the standard for the principal street façade (see Section 17.101K.080 for how to identify the principal and secondary streets). The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director, or his or her designee, 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.
7. This regulation only applies to ground floor living space located within fifteen (15) feet of a street facing facade.

17.101K.100 Base Height and Intensity Standards

THESE REGULATIONS ARE STILL IN DEVELOPMENT AND WILL BE RELEASED IN A FUTURE DRAFT FOR PUBLIC REVIEW.

17.101K.110 Zoning Incentive Program (ZIP).

THESE REGULATIONS ARE STILL IN DEVELOPMENT AND WILL BE RELEASED IN A FUTURE DRAFT FOR PUBLIC REVIEW.

17.101K.120 – Increased density and floor area ratio through the trading of development rights in the D-DT Zones.

A. Definitions. the following definitions shall apply to this Section:

1. “Development Rights” means the maximum allowed dwelling units and floor area established in the zoning regulations for a specific lot.
2. “Net Development Rights” means the difference between: 1) the development rights on a lot, and 2) the existing floor area and number of dwelling units on the same lot. For example, if the underlying zoning permits a maximum of fifty (50) dwelling units on a lot, and the same lot contains forty (40) dwelling units, then the net development rights for density available for transfer is ten (10) dwelling units.
3. “Transfer of Development Rights” means the transfer of some or all of the net development rights from a sending site to a designated receiving site, resulting in an increase in the number of dwelling units and/or amount of floor area than would otherwise be permitted at the receiving site. For example, a transfer of development rights for number of dwelling units has occurred if the sending site described in definition (2), above, transfers all its net development rights to allow a receiving site to construct ten (10) dwelling units more than normally permitted in the zoning regulations. In this case, the sending site would not be permitted to contain more than the existing forty (40) dwelling units, because it transferred the site’s net development rights to the receiving site.
4. Receiving Site. A development site that receives net development rights from a sending site.

5. Sending Site. A lot that sends some or all its net development rights to another proposed development site.
- B. The only net development rights permitted to be transferred are for floor area and number of dwelling units.
 - C. For all transfers of development rights, the owners of the sending site shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating the restricted development rights.
 - D. Transfer of development rights is permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in all D-DT zones that permit, by right, Multifamily Residential Facilities. Transfer of Development Rights is prohibited where Multifamily Residential Facilities are either prohibited or conditionally permitted. In addition to the CUP criteria contained in Section 17.134.050, development right transfers must meet the following additional criterion:
 1. The height and bulk of the proposal for the receiving site is consistent with the desired character of the block and area.
 - E. Transfer of development rights within a D-DT Zone must meet the following requirements:
 1. Both the receiving and sending sites must be within a D-DT Zone.
 2. The sending site must be: 1) either a Designated Historic Property (DHP) or a Potentially Designated Historic Property (PDHP) that contributes to an Area of Secondary Importance (ASI) or Area of Primary Importance (API); and 2) within the same or lower Height Area established in the zoning regulations as the receiving site.
 3. The receiving site must: 1) be within the D-DT Zoning Incentive Area; and 2) neither be a Designated Historic Property nor contribute to an ASI or API.
 4. The number of units and/or floor area greater than what is permitted under the base density at a receiving site achieved through a trading of development rights shall not be more than half of the maximum of what could be achieved through the D-DT Zoning Incentive Program (ZIP). For example, if the ZIP allows twenty (20) more units and fifty thousand (50,000) more square feet than what is normally allowed by the base intensity regulations at a site, then the maximum a transfer of development rights can achieve is ten (10) units and twenty-five thousand (25,000) square feet over what is allowed under the base intensity at the site.
 5. The intensity achieved through the TDR program plus the intensity achieved under the ZIP shall not exceed the maximum permitted under the ZIP.
 6. Construction at a receiving site above the maximum height that is permitted in the applicable base zone may be permitted through the granting of the same Conditional Use Permit that allows the trading of development rights (see Subsection D, above). This increase over the maximum height shall meet both of the following requirements:
 - a. The additional height shall be limited to only that required to physically accommodate the transferred net development rights.
 - b. The maximum height shall not be greater than that permitted under the ZIP described in Section 17.101K.110.

17.101K.130 – General Design Standards

A. The following regulations apply to newly constructed principal buildings.

1. Ground Floor Treatment

- a. Entrance. Buildings shall have at least one prominent pedestrian entrance on the ground floor principal street façade (see Section 17.101K.080 for how to identify the principal street). Entrances at building corners facing both the principal street and a secondary street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for Nonresidential Facilities shall be at grade.
- b. Ground Floor Materials. All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include stone, tile, brick, metal panel systems, glass, and/or other similar materials.
- c. Distinguishing Ground Floor. The ground level of the building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This shall be achieved by designing a ground floor facade that is distinct from the rest of the building through some combination of change of material, enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements.
- d. Ground Floor Commercial Façade Elements. For buildings with ground floor commercial space, the ground floor shall be modulated into a regular cadence of storefront sized windows and entrances and contain a window base or kickplate, and transom windows. The design of these elements shall be consistent with the style of the building. Ground floor commercial facades shall be within five (5) feet of the front property line.
- e. Active Space Requirement. Parking spaces; locker areas; utility, storage, and trash rooms; and similar non-active spaces shall not be located within thirty (30) feet from the principal ground floor street facade except for incidental entrances to such activities elsewhere in the building. Exceptions to this requirement can be made through the Regular Design Review Procedure (See Section 17.136.050). In addition to the criteria contained in Section 17.136.050, the exception must also meet both of the following criteria:
 - i. There is no other feasible location for the non-active space and the amount of non-active space in the front thirty (30) feet of the building is minimized to the maximum amount practically achievable; and
 - ii. When feasible, active space is placed between the non-active space and the street.
- f. Trash and Storage. Trash and storage shall be in the garage, underground, or be otherwise concealed from view of the public right-of-way. Trash and storage shall not be placed adjacent to the principal street facade unless the proposal is on an interior lot (see Section 17.101K.080 for how to identify the principal street).
- g. Utilities. Backflow prevention devices and utility meters shall not be placed on the principal street façade unless the proposal is on an interior lot (see Section 17.101K.080 for how to identify the principal street). These elements shall be placed in a building alcove, underground, landscaped area, or utility room, and completely screened from view from the public right-of-way unless required otherwise by a department of the City. Whenever feasible, transformers shall be placed

out of public view and not on the principal street facade. If this is infeasible, transformers shall be screened by landscaping. Transformers shall never be placed above ground in the right-of-way.

- h. Parking and Loading Access Location. Access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from a secondary street facade or an alley (see Section 17.101K.080 for how to identify the principal street). Open parking areas shall not be located between the sidewalk and a principal building.

2. Base Design.

- a. Base Requirements and Exceptions. For buildings one hundred (100) feet tall or more, a building base shall be established at or near the edge of each right-of-way. This base shall be a minimum and maximum of forty-five (45) and eighty-five (85) feet tall, respectively. Exceptions to this requirement can be made through the Regular Design Review Procedure (See Section 17.136.050). In addition to the criteria contained in Section 17.136.050, the exception must meet at least one of the following criteria:

- i. The site is in the Office Priority Combining Zone or there is a clear context of buildings over eighty-five (85) feet in height on the block without a building base; or
- ii. The height of part of the base is lower than forty-five (45) feet to transition to a lower scale neighboring Potentially Designated Historic Property or Designated Historic Property; or
- iii. Setbacks are required to create plazas or other public areas or for buildings designed for particular activities, as described in Table 17.101K.04, note 03.

- b. Transition to Historic Buildings. The design of the building base shall create a transition to adjacent lower scale Designated Historic Properties and Potentially Designated Historic Properties. This shall be accomplished through stepping down the base, matching cornice lines and floor heights, and/or creating volumes at the façade of the base that relate to the scale of the historic building.

- c. Building Base Articulation. The façade(s) of the base that are more than one hundred (100) feet in width and visible from the street shall use plane offsets and material changes that create shadows and relief.

- d. Windows and Façade Treatment. Each building base façade facing a street shall contain windows. Expanses of solid walls without windows on these facades shall not exceed twenty (20) feet in width. Solid walls visible from the street on any facade shall contain enhanced materials, deep reveals and scoring, prominent textures, and/or public art.

3. Tower Design. The following standards apply to towers, which is defined as construction above the base of a building.

- a. Tower Setback. Towers shall be set back at least fifteen (15) feet from both: 1) at least one (1) side façade of the building base; and 2) either the rear or the front building base façade. Exceptions to this requirement can be made through the Regular Design Review Procedure (See Section 17.136.050). In addition to the criteria contained in Section 17.136.050, the exception must meet both of the following criteria:
 - i. The site is in the Office Priority Combining Zone, there is a clear context of buildings over eighty-five (85) feet in height on the block without a setback from a base, or the regulation would require floor plates of less than fifty thousand (50,000) square feet for the towers of commercial

buildings or twenty-five thousand (25,000) square feet for the towers of residential buildings. For this finding, a residential building means a building that devotes at least two-thirds of its floor area to Residential Facilities and a commercial building means a building that devotes more than one third of its floor area to Nonresidential Facilities.

- ii. Each façade includes a variety of fenestration, sculpting, volumes, articulation, and material patterns to reduce the perception of building mass and avoid the appearance of repeated identical floors.
 - b. Design Integration with Base. Design elements of a tower shall vertically integrate with and/or extend to building base façades. This technique shall be used to avoid the appearance of towers being isolated from the street and the base.
 - c. Windows. Each visible tower facade shall contain windows, including façades facing interior and rear property lines. Expanses of solid walls without windows that are visible from the street shall not exceed 20 feet in width.
4. General buildings design requirements.
- a. Massing. The mass of buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this section shall be applied on all visible facades and achieved through some coordinated combination of one or more of the following: changes in plane, sculpting, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.
 - b. Heavily tinted bronze, black, or gray glass shall not predominate on or be a signature feature of facades.
 - c. Building Terminus. The top of buildings shall include elements that provide a distinct visual terminus. The visual terminus shall be integrated into the overall architectural design concept of the building. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, and other architectural forms. These rooftop elements shall be sized, shaped, and sited to also screen all rooftop mechanical equipment from view.

17.101K.140 – Development Standards for New Construction on Lots Adjacent to the Lake Merritt Channel

- A. The regulations of this section apply to the new construction of principal buildings on parcels that are adjacent to the Lake Merritt Channel or its adjacent open space.
- B. The following definition only applies to this Section:
 - 1. Lake Merritt Channel Facade - Lake Merritt Channel Facade refers the façade and private and public space that abuts either: 1) the Lake Merritt Channel; or 2) existing and/or planned parks and open spaces that border the Lake Merritt Channel.
- C. No building shall be constructed within sixty (60) feet of the top of the bank of the Lake Merritt Channel.
- D. In addition to the findings required in Chapter 17.136, the following Regular Design Review findings are required to be met for all development projects that include the construction of a new principal building on a lot that is adjacent to the Lake Merritt Channel open space area:
 - 1. The project contributes to and protects the unique environmental resources at the Channel and coordinates with ongoing and proposed capital improvements and restoration projects associated with the Lake Merritt Channel.

2. The project landscaping integrates with and visually transitions to existing or planned adjacent natural and open spaces.
 3. The Lake Merritt Channel façade provides visual interest for pedestrians at the Lake Merritt Channel.
- E. New development shall comply with the following building orientation, facade, and landscape requirements:
1. Whenever feasible, no Lake Merritt Channel Facade shall include utility meters, utility boxes, or vehicle entryways. If it is unavoidable to place utility meters and/or boxes on the Lake Merritt Channel Façade, they shall be screened by dense landscaping. No garages shall face the channel.
 2. Developments shall include open spaces in the form of walkways, landscaped passive recreation areas or terraced plazas between the Lake Merritt Channel Facades and the Channel.

17.101K.150 – Usable Open Space Standards

- A. General. This Section contains the usable open space standards and requirements for residential development in the D-DT Zones. These requirements supersede those in Chapter 17.126.
- B. Definitions of D-DT usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 2. "Public Ground-Level Plaza". Public ground-level plazas (plazas) are group usable open space located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
 3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
 4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
- C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:
1. Area. On each lot containing Residential Facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of at least seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit and efficiency 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 17.101K.12: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft	
Public Ground-Level Plaza	10 ft	
Courtyard	15 ft	
Rooftop	15 ft	Areas occupied by vents or other structures which do not enhance

		usability of the space shall not be counted toward the above dimension.
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3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
4. Location. Required usable open space may be located anywhere on the lot.
5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof but shall not be more than the minimum height required by the Oakland Building Code.
6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
7. Landscaping requirements. At least ten percent (10%) of rooftop, courtyard, or public ground-level plaza usable open space area shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

Article V – D-DT Combining Zones

17.101K.160 – Downtown Arts and Culture Combining Zone Regulations

17.101K.170 – Green Loop Combining Zone

17.101K.180 – Sea Level Rise Combining Zone.

17.101K.160 – Downtown Arts and Culture Combining Zone Regulations

A. Definitions. The following definitions shall apply for purposes of this Section.

1. Arts and Culture Types of Activities. Arts and Culture Types of Activities produce, display, sell or otherwise disseminate artistic and cultural expression. These types of activities also include operations that increase cultural awareness, serve and strengthen ethnic communities harmed by racial disparities, and educate Oakland residents about art and cultural practices and histories. All Arts and Culture Types of Activities are categorized in one of the following two subclassifications:
 - a. Administrative Arts and Culture. These types of activities support the intent of this overlay through general administrative functions. These include, but are not limited to, administrative support for art- and culture-related non-profit educational organizations, institutions, and businesses. These activities also include organizations that have a mission to strengthen, serve, and educate underrepresented communities, particularly communities harmed by racial disparities.
 - b. Active Arts and Culture. These types of activities provide pedestrian-oriented, accessible, active and/or high visibility functions. These uses include, but are not limited to, the following:
 - i. Public and private performance spaces, including dance, theater and spoken-word venues;
 - ii. Schools focusing on arts and/or cultural education;
 - iii. Artisan Production Commercial Activities, as described in Section 17.58.040.
 - iv. Art studios;
 - v. Libraries;
 - vi. Museums and galleries; and
 - vii. Retail stores, bookstores, consumer services such as barber shops and salons, cafes, restaurants and bars that display rotating visual art, host performances and/or are oriented toward the specific cultures or ethnicities identified in the intent of this Combining Zone.
- B. Determination of an Arts and Culture Type of Activity.

The determination of whether a proposal is Arts and Culture Type of Activity shall be made by the Planning Director, or his or her designee. Such determination shall be subject to the right of appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- C. Activity Regulations.

Ground floor activities that are determined to not be an Arts and Culture Activity Type may only be permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process), regardless of whether the use is typically permitted by the primary zone.
- D. Developments that include the construction of a new principal building or principal buildings that are increasing footprint area by one hundred (100) percent or more shall dedicate the following ground floor area to Arts and Culture Activity Types:
 1. At least fifty (50) percent of the leasable floor area on the ground floor of all new principal buildings.

17.101K.170 – Green Loop Combining Zone

- A. The regulations of this section apply to areas designated to be within the Green Loop Combining Zone on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Green Loop Frontage Regulations. The following regulations are required for developments that include the construction of a new principal building:

1. Buildings that include ground-floor commercial storefronts shall be designed to accommodate at least one (1) form of outdoor seating and/or tables for patrons. Examples include parts of a building frontage setback for full-service tables, built in benches, and plazas.
 2. Entrances and/or storefronts shall provide awnings at the ground floor to provide weather protection and sense of enclosure for pedestrians. Umbrellas or other shade structures shall be made available for patrons using benches or table.
 3. Space shall be provided between any ground floor residential façade and the sidewalk for the placement of landscaping.
 4. Ground floors shall be illuminated by building-mounted hooded decorative lights.
 5. New development of a principal building that is three (3) stories or more shall incorporate at least one (1) of the following vertical facade treatment(s):
 - a. Vining plant supports for vertical or hanging gardens; or
 - b. Trellises or other structural additions.
- C. Green Loop Landscape Standards. Development that includes the new construction of a principal building shall be landscaped according to the following standards:
1. At least seventy-five percent (75%) of any ground floor open space area between the principal building and the sidewalk shall be improved with features such as decorative paving, stepped planter formations that act as seating, and/or decorative planting containers.
 2. At least fifteen percent (15%) of any courtyard usable open space between the principal building and the sidewalk shall include planting, as described in Section 17.101K.150.
 3. Landscaping shall be composed of a combination of trees, plants, and shrubbery that is suited to the Oakland climate.
 4. Fencing or other screening feature shall not create a significant visual barrier between the public right-of-way and any publicly accessible ground floor open space area.

17.101K.180 – Sea Level Rise Combining Zone.

- A. The regulations of this section apply to areas designated to be within the Sea Level Rise Combining Zone on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Developments that include the construction of any new principal building within the Sea Level Rise Combining Zone shall be required to submit a Sea Level Rise Adaptation Plan. The plan shall specify an area-specific adaptation response to projected sea level rise and the associated increase in flood risk. This regulation does not establish specific requirements for all projects because each site condition is unique. Instead, each new development shall be required to develop and maintain an individual Sea Level Rise Adaptation Plan to prepare for changes in rising sea level and related groundwater intrusion. In all plan assessments, the City will consider Base Flood Elevations, future potential inundation level, storm surge, and groundwater table changes due to rising sea levels. Where feasible, the minimum height of the finished floor of the bottom story of new buildings should be at least twenty-four (24) inches higher than the future potential inundation level.
- C. The specific strategies included in any individual Sea Level Rise Adaptation plan will depend on the location of the building. One size will not fit all, so resilience capacity building will be tailored to the local context. However, whenever any new development is approved or infrastructure investments made in the Sea Level Rise Combining Zone, future sea levels must be accounted for, and all structures and infrastructure elements designed to be resilient to flood impacts.

The following are proposed new zones to regulate uses under the I-880 freeway. These zones are only currently proposed to be mapped under the I-800 Freeway in Downtown but may be mapped in other areas in the future.

Chapter 17.98 S-16 INTERSTATE 880 ZONES COMMERCIAL ZONES REGULATIONS

Sections:

17.98.010 – Title, intent and description

17.98.020 – Required Design Review Process

17.98.030 – Permitted and conditionally permitted activities.

17.98.040 – Permitted and Conditionally Permitted Facilities.

17.98.050 – Property development standards.

17.98.010 – Title, intent and description

A. Intent. The provisions of this Chapter shall be known as the S-16 Interstate 880 **Commercial** Zones Regulations. The intent of the Interstate 880 (S-16) Zones is to maximize the community potential of California Department of Transportation (Caltrans) Freeway Lease Areas (FLA) under Interstate 880 (I-880) by allowing the creation of safe, high-quality activities in FLAs. These regulations shall apply to the S-16 Zones.

B. Description of Zones. This Chapter establishes land use regulations for the following three (3) zones:

- 1. S-16A Commercial Zone.** The S-16A Zone is intended to enhance areas beneath and adjacent to I-880 by providing opportunity for activities that support community functions.
- 2. S-16B Commercial Zone.** The S-16B Zone is intended to accommodate a range of uses beneath and adjacent to I-880 that are compatible with adjacent residential and commercial areas.
- 3. S-16C Commercial Zone.** The S-16C Zone is intended to accommodate a range of uses beneath and adjacent to I-880 that are compatible with adjacent industrial and mixed commercial areas.

17.98.020 – Required Design Review Process

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

17.98.030 – Permitted and conditionally permitted activities.

Table 17.98.01 lists the permitted, conditionally permitted, and prohibited activities in the S-16 Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities. Any proposed activity also requires approval from the California Department of Transportation (Caltrans).

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.98.01: Permitted and Conditionally Permitted Activities

Activities	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
Residential Activities				
Permanent	—	—	—	
Residential Care	—	—	—	
Supportive Housing	—	—	—	
Transitional Housing	—	—	—	
Emergency Shelter	C(L1)(L2)	C(L1)(L2)	P(L3)	17.07.060A
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	
Civic Activities				
Essential Service	P	P	P	
Limited Child-Care Activities	—	—	—	
Community Assembly	—	—	—	
Recreational Assembly	P	P	—	
Community Education	—	—	—	
Nonassembly Cultural	C(L1)	C(L1)	—	
Administrative	—	—	—	
Health Care	—	—	—	
Special Health Care	—	—	—	
Utility and Vehicular	—	P(L4)	P(L4)	
Extensive Impact	—	—	—	
Commercial Activities				
General Food Sales	—	—	—	
Full-Service Restaurants	—	—	—	
Limited-Service Restaurant and Cafe	P(L5)	P(L5)	—	Chapter 9.52
Fast-Food Restaurant	—	—	—	
Convenience Market	—	—	—	
Alcoholic Beverage Sales	—	—	—	
Mechanical or Electronic Games	—	—	—	
Medical Service	—	—	—	
General Retail Sales	P(L5)	P(L5)	—	Chapter 9.52
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	—	—	—	
Consultative and Financial Service	—	—	—	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair Service	—	—	—	

Activities	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
Consumer Dry Cleaning Plant	—	—	—	
Group Assembly	P(L5)	P(L5)	—	Chapter 9.52
Personal Instruction and Improvement Services	—	—	—	
Administrative	—	—	—	
Business, Communication, and Media Services	—	—	—	
Broadcasting and Recording Services	—	—	—	
Research Service	—	—	—	
General Wholesale Sales	—	—	—	
Transient Habitation	—	—	—	
Building Material Sales	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	
Taxi and Light Fleet-Based Services	—	P(L4)	P(L4)	
Automotive Fee Parking	—	P(L4)	P(L4)	17.103.055
Animal Boarding	—	—	—	
Animal Care	—	—	—	
Undertaking Service	—	—	—	
Industrial Activities				
Custom Manufacturing	—	—	—	
Light Manufacturing	—	—	—	
General Manufacturing	—	—	—	
Heavy/High Impact	—	—	—	
Research and Development	—	—	—	
Construction Operations	—	—	—	
Warehousing, Storage and Distribution-Related	—	—	—	
Regional Freight Transportation				
Trucking and Truck-Related				
A. Freight/Truck Terminal	—	—	—	
B. Truck Yard	—	—	C(L1)(L6)	
C. Truck Weigh Stations	—	—	—	
D. Truck and Other Heavy Vehicle Sales. Rental and Leasing	—	—	—	
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	—	—	—	
Recycling and Waste Related	—	—	—	
Agricultural and Extractive Activities				
Limited Agriculture	C(L1)(L7)	—	—	
Extensive Agriculture	—	—	—	
Plant Nursery	C(L1)	—	—	

Activities	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
Mining and Quarrying	—	—	—	
Accessory off-street parking serving prohibited activities	—	C(L1)	C(L1)	
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	—	—	—	

Limitations on Table 17.98.01:

L1. In addition to the provisions Chapter 17.134 of Conditional Use Permit (CUP) procedure established in Chapter 17.134, activities seeking a CUP in the S-16 Zones shall also meet the following use permit criterion:

- a. The proposed activity will not introduce safety or environmental hazards to visitors, pedestrians, or drivers.

L2. Except as may be permitted in Section 17.07.060A, no Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any Residential Care Residential Activity or other Emergency Shelter Residential Activity or Facility. See Section 17.103.010 for other regulations regarding these activities.

L3. Emergency Shelters are permitted by-right within the I-880 Freeway Lease Areas (FLAs) in direct proximity to the area surrounding Third Street described in Section 17.103(A)(5)-specifically the FLA areas bounded by Martin Luther King Jr. Way to the east, Fifth Street to the south, Sixth Street to the north and Union Street to the west, subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L2 above.

L4. Utility and Vehicular Civic Activities shall be limited to public parking only. The site shall be improved with pavement, curb, and gutter, and landscaping shall be provided within the parking and setback areas. All plantings shall be of a type that will survive in the environment under the freeway.

L5. General Retail Sales, Limited-Service Restaurant and Café, and Group Assembly Commercial Activities are restricted to temporary “pop-up” establishments approved through a city Special Event permit.

L6. Truck Yards shall be primarily for the purpose of truck parking and not include other storage or repair activities. The site shall be improved with pavement, curb, and gutter, and landscaping shall be provided within the parking and setback areas. All plantings shall be of a type that will survive in the environment under the freeway.

L7. Limited Agriculture shall occupy less than one (1) acre of land.

17.98.040 – Permitted and Conditionally Permitted Facilities.

Table 17.98.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-16 Zones. The descriptions of these facilities are contained in Chapter 17.10. Any proposed facility also requires approval from the California Department of Transportation (Caltrans).

"P" designates permitted facilities in the corresponding zone.

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

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

"—" designates facilities that are prohibited.

Table 17.98.02 Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
Residential Facilities				
One-Family Dwelling	—	—	—	
Two-Family Dwelling	—	—	—	
Multifamily Dwelling	—	—	—	
Rooming House	—	—	—	
Vehicular	—	—	P(L3)	17.07.060A; 17.103.085
Nonresidential Facilities				
Enclosed Nonresidential	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	
Open Nonresidential	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	
Sidewalk Cafe	—	—	—	
Drive-In	—	—	—	
Drive Through	—	—	—	
Telecommunications Facilities				
Micro Telecommunications	—	—	—	
Mini Telecommunications	—	—	—	
Macro Telecommunications	—	—	—	
Monopole Telecommunications	—	—	—	
Tower Telecommunications	—	—	—	
Sign Facilities				
Residential Signs	—	—	—	
Special Signs	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	17.104
Development Signs	—	—	—	
Realty Signs	—	—	—	
Civic Signs	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	17.104
Business Signs	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	17.104
Advertising Signs	—	—	—	

Limitations on Table 17.98.02:

L1. No new construction of permanent buildings is permitted except those built by a public agency for transportation purposes. The construction of subgrade foundations, pilings, grade changes, retaining walls, and concrete structures are not permitted.

L2. Only transportation-related facilities installed by a public agency can be permanently or temporarily affixed to any component of the freeway, including columns, footings, beams and roadbeds.

L3. Vehicular Residential Facilities are permitted only when part of an approved Emergency Shelter Activity within the I-880 Freeway Lease Areas (FLAs) in direct proximity to the area surrounding Third Street described in Section 17.103(A)(5)-specifically the FLA areas bounded by Martin Luther King Jr. Way to the east, Fifth Street to the south, Sixth Street to the north and Union Street to the west, subject to the development standards in

Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L2 in Table 17.98.01.

17.98.050 – Property development standards.

Table 17.98.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified zone.

Table 17.98.03: Property Development Standards

Development Standards	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
Minimum Setbacks				
Front	0 ft.	10 feet	10 feet	1
Interior side	0 ft.	4 ft.	4 ft.	1
Street side	0 ft.	4 ft.	4 ft.	1
Rear	0 ft.	4 ft.	4 ft.	1
Maximum Height	14 ft.	14 ft.	14 ft.	1

Additional Regulation for Table 17.98.03:

1. Transportation facilities constructed by a public agency are exempt from maximum height and minimum setback requirements.

The following are miscellaneous text changes proposed for the Planning Code that are associated with the D-DT Zones. Additions are underlined and deletions are in ~~strike through~~. This is not a comprehensive listing of the changes that will be required throughout the code to insert the new D-DT Zones. Those changes will be distributed for public review prior to the first public hearing at the Planning Commission.

Chapter 17.09 – DEFINITIONS

17.09.040 – Definitions

17.09.040 – Definitions.

“Coworking Space” means a facility that contains workspaces that are made available to individuals and businesses for short-term intervals through a membership or rental basis. These spaces include shared business resources such as internet and office equipment and shared social, networking, conferencing and gathering spaces. A coworking space may also include an accessory café or other retail component and other amenities.

"Principal street" means:

For any lot that abuts only one street, ~~On interior lots, the street the street~~ that abuts a lot.

On ~~corner~~ lots that are outside the D-DT Zones and abut more than one street, the principal street is the street(s) that abuts the lot that is highest on the street hierarchy as defined in the Land Use and Transportation Element (LUTE) of the General Plan. Where streets have the same street hierarchy, the principal street or streets shall be determined by the ~~Zoning Administrator~~ Planning Director or his or her designee based on ~~the development patterns,~~ street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and traffic control of intersections.

For lots that are within the D-DT Zones and abut more than one street, see Section 17.101K.080.

"Principal street facade" means the façade facing a principal street.

“Secondary street” means the street(s) abutting a lot that are not principal streets. There is at least one secondary street on a corner lot.

"Secondary street facade" means the façade(s) facing a secondary street.

Chapter 17.106 - GENERAL LOT, DENSITY, AND AREA REGULATIONS

106.050 – Use permit criteria for increased density or Floor-Area Ratio with acquisition of abutting development rights outside of the D-DT Zone.

Except as indicated in the D-DT Zone, any proposed increase in the number of living units or Floor Area Ratio through the acquisition of nearby development, may only be permitted where provided for in applicable zones upon the granting of A Conditional Use Permit (CUP), and for an increase in the number of living units or Floor Area Ratio (FAR) upon acquisition of nearby development rights, wherever such increase is provided for in the applicable individual zone regulations outside of the D-DT Zone, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That the applicant has acquired development rights from the owners of abutting lots, restricting the number of living units or the amount of floor area which may be developed thereon so long as the facilities proposed by the applicant are in existence;
- B. That the owners of all such abutting lots shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;
- C. That the resultant reduction in potential number of living units or amount of floor area on the abutting lots is sufficient in amount and is so located as to cause the net effect upon the surrounding neighborhood to be substantially equivalent to that of the development which would be allowable otherwise.

In the D-DT Zone, any proposed increase in the number of living units or Floor Area Ratio (FAR) through the acquisition of development rights shall be reviewed instead according to the applicable regulations in Chapter 17.101K.

Chapter 17.142 PLANNED UNIT DEVELOPMENT REGULATIONS

Article I – Title, Purposes and Applicability

17.142.004 Applicability.

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 either:
 - 1. 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; or
 - 2. In the D-DT-CPW Zone and involving construction at or above one hundred (100) feet in height.

Article III – Planned Unit Developments

17.142.020 Definition of Planned Unit Development.

17.142.030 Developments for which Planned Unit Development permit approval is required or requested.

17.142.020 – Definition of Planned Unit Development.

- A. A "Planned Unit Development" (PUD) is a large, integrated development adhering to a comprehensive plan and located either:
 - 1. 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; or-
 - 2. In the D-DT-CPW Zone and involving construction at or above one hundred (100) feet in height.
- B. In developments that are approved pursuant to the Planned Unit Development regulations in this Chapter, certain uses may be permitted in addition to those otherwise allowed in the underlying zone, certain of the other regulations applying in said zone may be waived or modified, and the normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

17.142.030 – Developments for which Planned Unit Development permit approval is required or requested.

- A. The following developments are permitted only upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140.
 - 1. Any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.
 - 2. Any integrated development which is primarily designed for or occupied by Commercial Activities, which is located in any Commercial Zone, and which is developed under unified control, in accordance with a comprehensive plan, on a single tract with sixty thousand (60,000) square feet or more of land area, or on two (2) or more tracts which total such area and which are separated only by a street or other right-of-way.

3. Any development in the D-DT-CPW Zone involving construction at or above one hundred (100) feet in height.
- B. Unless required by the Planning Director, other large, integrated developments involving the same minimum land area thresholds of a Planned Unit Development, as defined in Section 17.142.020, are permitted without such a permit. However, an applicant for such a development may request a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140, ~~but shall be subject to all regulations generally applying in the zone in which they are located.~~

DRAFT