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APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL
ORDINANCE NO. ~~13435~~ 13435 C.M.S.

ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE OAKLAND PLANNING CODE TO: 1) REVISE REGULATIONS FOR SECONDARY UNITS TO COMPLY WITH STATE LAW; 2) CREATE AND MAP A NEW ZONING OVERLAY THAT IDENTIFIES AREAS IN THE CITY WHERE NEW CATEGORY TWO SECONDARY UNITS ARE NOT PERMITTED; 3) MAKE MINOR CHANGES IN VARIOUS CHAPTERS OF THE PLANNING CODE; AND 4) MAKE APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS

WHEREAS, housing in California is becoming increasingly unaffordable, and the availability of housing is a substantial concern for individuals of all demographics, ages, and income groups in communities throughout the City of Oakland; and

WHEREAS, the 2015-2023 Housing Element of the City's General Plan specifically includes policies to encourage the construction of Secondary Units in single-family zones and recognizes these units as a source of affordable housing; and

WHEREAS, the housing affordability crisis threatens the public health, safety, and/or welfare of our citizenry; and

WHEREAS, recognizing the severity of the housing affordability crisis, on February 16, 2016, the City Council adopted Ordinance No. 13357 C.M.S., which revised the City's Secondary Unit regulations to streamline the process of approval. As part of the final adoption, Council directed staff to prepare further amendments to the Secondary Unit regulations, including a clarification that the City's zoning regulations do not invalidate stricter regulations that may be imposed by a homeowners' association's Covenants, Conditions, and Restrictions (CC&Rs); and

WHEREAS, in September 2016, Governor Brown signed into law Senate Bill 1069 and Assembly Bill 2299, amending Government Code section 65852.2, and relating to the creation of accessory dwelling units (Secondary Units). These new bills were intended to address the housing crisis by easing regulatory barriers, thereby encouraging homeowners to build Secondary Units, and providing additional rental housing supply in California; and

WHEREAS, on January 1, 2017, SB 1069 and AB 2299 went into effect, rendering the City's existing Secondary Unit regulations null and void until an ordinance is adopted that fully complies with State law. The Bureau of Planning is currently issuing permits for Secondary Units under interim regulations required by State law. These interim regulations have not yet been tailored to meet the City's needs, and consequently may be more restrictive in some cases than the previous Secondary Unit regulations Oakland adopted in 2016; and

WHEREAS, changes to the California Government Code require that the City update its Secondary Unit regulations; and

WHEREAS, the City of Oakland's Strategic Planning Division staff has prepared the following amendments to the Oakland Planning Code and Zoning Map to: (a) bring the City's Secondary Unit regulations into full compliance with California State law, and address the Council's direction from February 16, 2016 (where not superseded by State law); (b) reduce regulatory barriers to the development of Secondary Units; (c) identify areas of the city where Secondary Units involving new construction or addition are not permitted due to impacts on traffic flow and public safety; and (d) clarify language in various chapters of the Planning Code; and

WHEREAS, the proposed amendments comply with Government Code Section 65852.2, which establishes standards for the development of accessory dwelling units so as to increase the supply of affordable housing; and

WHEREAS, Article XI, Section 5 of the California Constitution provides that the City, as a home rule charter city, has the power to make and enforce all ordinances and regulations in respect to municipal affairs, and Article XI, Section 7, empowers the City to enact measures that protect the health, safety, and/or welfare of its residents; and

WHEREAS, Section 106 of the Oakland City Charter provides that the City has the right and power to make and enforce all laws and regulations with respect to municipal affairs; and

WHEREAS, the City desires to further the public health, safety and/or welfare by bringing the City's Planning Code into compliance with new State law; and

WHEREAS, on January 18, 2017, at a duly noticed public hearing, the Planning Commission recommended approval of the proposed changes to Secondary Unit regulations and miscellaneous minor changes in various Chapters of the Planning Code; and

WHEREAS, after a duly noticed public meeting on April 11, 2017, the Community and Economic Development Committee voted to recommend the proposal to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on April 18, 2017 to consider the proposal, and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

WHEREAS, the adoption of an ordinance to implement Government Code section

65852.2 is exempt from CEQA under Public Resources Code section 21080.17. Similarly, the ministerial approval of Secondary Unit applications would not be a “project” for CEQA purposes, and environmental review would not be required prior to approving individual applications; and

WHEREAS, in addition, the proposed amendments to the Planning Code and Zoning Map rely on the previous set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs - West Oakland (2003), Central City East (2003), and Coliseum (1995); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, “Previous CEQA Documents”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163; and

WHEREAS, the Previous CEQA Documents provide analysis of the environmental impacts of the proposed amendments and support all levels of approval necessary to implement the Planning Code and Zoning Map amendments; and

WHEREAS, the proposed amendments to the Planning Code and Zoning Map would not result in any significant effect that has not already been analyzed in the Previous CEQA Documents, and there will be no significant environmental effects caused by the change that have not already been analyzed in the Previous CEQA Documents; and

WHEREAS, the City Council hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional environmental review, as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163 are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the Previous CEQA Documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no “new information of substantial importance,” as defined in CEQA Guidelines Section 15162(a)(3); and

WHEREAS, each as a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment); now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council’s decision, and hereby adopts such recitals as findings.

Section 2. The City Council finds and determines the adoption of this Ordinance is

exempt from CEQA under Public Resources Code Section 21080.17. Similarly, the ministerial approval of Secondary Unit applications would not be a “project” for CEQA purposes, and environmental review would not be required prior to approving individual applications. In addition, the City Council finds and determines the adoption of this Ordinance complies with CEQA in reliance on the Previous CEQA Documents. Further, the Council finds the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment). Each of these provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance

Section 3. The Environmental Review Officer shall file a Notice of Exemption/Notice of Determination, and an Environmental Declaration under the California Fish and Game Code (Section 711.4) with the County of Alameda.

Section 4. Title 17 of the Oakland Planning Code is hereby amended pursuant to *Exhibit A* attached hereto and incorporated by reference herein. Additions to Title 17 of the Oakland Planning Code are shown as underline and omissions are shown as ~~strikethrough~~.

Section 5. The Oakland Zoning and Height Maps are hereby amended pursuant to *Exhibit B* attached hereto and incorporated by reference herein.

Section 6. This Ordinance shall be effective 10 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) zoning applications approved by the City and not yet expired, or (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code and Zoning Map amendments if the applicant chooses to do so.

Section 7. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 8. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

Section 9. This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland, and is enacted pursuant to the City of Oakland’s general police powers, Section 106 of the Charter of the City of Oakland, Government Code Section 65852.2, and Article XI, Sections 5 and 7 of the California Constitution.

Section 10. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the amendments in the Oakland Planning Code.

Section 11. The City Clerk of the City of Oakland is hereby directed to transmit this Ordinance with Exhibits to the Department of Housing and Community Development within 60 days of adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY - 2 2017

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, ~~GRULLO~~, GIBSON MCELHANEY, GUILLÉN, KALB, ~~KAPLAN~~ AND
PRESIDENT REID - 6

NOES- 0

ABSENT- 2 Grullo and Kaplan

ABSTENTION- 0

Introduction Date

APR 18 2017

ATTEST: LaTonda Simmons

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: May 16, 2017

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL
AMENDMENTS TO OAKLAND'S SECONDARY UNIT REGULATIONS**

Title 17 PLANNING

Chapters:

Chapter 17.74 - S-1 MEDICAL CENTER COMMERCIAL ZONE REGULATIONS

Chapter 17.76 - S-2 CIVIC CENTER COMMERCIAL ZONE REGULATIONS

Chapter 17.78 - S-3 RESEARCH CENTER COMMERCIAL ZONE REGULATIONS

Chapter 17.80 - S-4 DESIGN REVIEW COMBINING ZONE REGULATIONS

Chapter 17.82 - S-6 MOBILE HOME COMBINING ZONE REGULATIONS

Chapter 17.84 - S-7 PRESERVATION COMBINING ZONE REGULATIONS

Chapter 17.88 - S-9 FIRE SAFETY PROTECTION COMBINING ZONE REGULATIONS

Chapter 17.90 - S-10 SCENIC ROUTE COMBINING ZONE REGULATIONS

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

Chapter 17.94 - S-12 RESIDENTIAL PARKING COMBINING ZONE REGULATIONS

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

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

Chapter 17.100A - S-19 HEALTH AND SAFETY PROTECTION COMBINING ZONE
REGULATIONS

Chapter 17.100B - S-20 HISTORIC PRESERVATION DISTRICT COMBINING ZONE
REGULATIONS

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL
AMENDMENTS TO OAKLAND'S SECONDARY UNIT REGULATIONS**

Chapter 17.07 TITLE, PURPOSE AND SCOPE OF THE ZONING REGULATIONS

Sections:

17.07.040 Applicability of zoning regulations.

17.07.040 Applicability of zoning regulations.

- C. **Duplicated or Conflicting Regulation or Restriction.** Where any provision, condition or requirement imposed by, or pursuant to, the zoning regulations and any other provision of any other applicable law, ordinance, resolution, rule or regulation, whether set forth in, or pursuant to, this Code, the Oakland Building Code or Oakland Housing Code, or in any other law, ordinance, resolution, rule, regulation, term, or requirement, imposes overlapping or contradictory regulations, or contains restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the zoning regulations or elsewhere in the Oakland Municipal Code. No provision of this Code shall be construed to abrogate, annul or impair any restriction covering any of the same subject matter that is more restrictive or imposes higher development standards except as otherwise expressly provided in the zoning regulations.
- D. **Private Agreements.** The zoning regulations are not intended to abrogate, annul, or impair any easement, covenant, or other agreement between parties, including but not limited to homeowners association's Covenants, Conditions, and Restrictions (CC&Rs). However, where the zoning regulations impose a greater restriction or higher standard than that required by such agreement, the zoning regulations shall control, except as otherwise authorized under the development agreement procedure in Chapter 17.138.

EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL
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Chapter 17.09 DEFINITIONS

Sections:

17.09.040 Definitions.

17.09.040 Definitions.

"Dwelling unit" means a room or suite of rooms including ~~one (1) and~~ only one ~~(1)~~ kitchen, except as otherwise provided in Section 17.102.270, and designed or occupied as separate living quarters for one ~~(1)~~ person or family; or, where the facility occupied is a One-Family Dwelling, such family and not more than three (3) boarders, roomers, or lodgers where access to all rooms occupied by such boarders, roomers, or lodgers is had through the main entrance of the dwelling unit.

"Regular dwelling unit" means any dwelling unit other than an efficiency dwelling unit or a Secondary Unit.

"Secondary Unit" means an attached or detached accessory subordinate dwelling unit that is located on the same lot as a larger One-Family Dwelling facility; primary dwelling unit, provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; is either attached or detached, and meets the standards and criteria of Section 17.103.080.

"Transit Accessible Area" means the area within one-half (1/2) mile of a: (1) BART Station; (2) BRT Station; (3) designated rapid bus line; or (4) transit stop served by a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL
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Chapter 17.10 USE CLASSIFICATIONS

Sections:

Article II - Activity Types

Part 1 - Residential Activity Types

Article III - Facility Types

Part 1 - Residential Facility Types

Article II Activity Types

Part 1 Residential Activity Types

17.10.114 Supportive Housing Residential Activities.

17.10.116 Transitional Housing Residential Activities.

17.10.114 Supportive Housing Residential Activities.

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

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

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Supportive Housing shall only be subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

17.10.116 Transitional Housing Residential Activities.

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

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This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Transitional Housing shall only be subject to those restrictions that apply to other residential dwellings of the same facility type in the same zone (Government Code Section 65583(a)(5)).

Article III Facility Types

Part 1 Residential Facility Types

17.10.670 Two-Family Dwelling Residential Facilities.

17.10.670 Two-Family Dwelling Residential Facilities.

Two-Family Dwelling Residential Facilities include permanently fixed buildings, or those portions thereof, which accommodate or are intended to accommodate Residential Activities and each of which contains two (2) dwelling units; but exclude the One-Family Dwelling with Secondary Unit Residential Facilities described in Section 17.10.650. They also include certain facilities accessory to the above, as specified in Section 17.10.070.

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Chapter 17.19 RU URBAN RESIDENTIAL ZONES REGULATIONS

Sections:

17.19.040 Permitted and conditionally permitted facilities.

17.19.040 Permitted and conditionally permitted facilities.

Table 17.19.02: Permitted and Conditionally Permitted Facilities

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

Limitations on Table 17.19.02:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities. In the RU-4 and RU-5 Zones, a Secondary Unit is may ~~be~~ permitted when there is an no more than one (1) existing One-Family Dwelling Primary Unit on a lot, subject to the provisions of Section 17.103.080.

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Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

Sections:

17.33.040 Permitted and conditionally permitted facilities.

17.33.040 Permitted and conditionally permitted facilities.

Table 17.33.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Facilities					
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080

Limitations on Table 17.33.02:

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

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Chapter 17.35 CC COMMUNITY COMMERCIAL ZONES REGULATIONS

Sections:

17.35.040 Permitted and conditionally permitted facilities.

17.35.040 Permitted and conditionally permitted facilities.

Table 17.35.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones			Additional Regulations
	CC-1	CC-2	CC-3	
Residential Facilities				
One-Family Dwelling	—(L1)	—(L1)	—(L1)(L7)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)(L7)	17.103.080

Limitations on Table 17.35.02:

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

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

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

17.65.130 Landscaping, paving, and buffering.

17.65.130 Landscaping, paving, and buffering.

- A. Submittal and approval of a landscaping and buffering plan for the entire site is required for the establishment of a new building facility (see Section 17.09.040 for definition), excluding Secondary Units, ~~of five hundred (500) square feet or less,~~ and for additions to existing building facilities of over five hundred (500) square feet.
1. Landscaping and buffering that is consistent with the "Design Guidelines for the HBX Zones" as adopted by the City Council;
An automatic system of irrigation for all landscaping shown in the plan;
 3. A minimum of one (1) 15-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty-five (25) feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees shall be street trees to the satisfaction of the City's Tree Division.
 4. At least one (1) 15-gallon tree in the parking lot for every six (6) parking spaces for projects that involve new or existing parking lots of three thousand (3,000) square feet or greater.
 5. A minimum of five (5) feet of landscaping shall be required adjacent to the front and street side property lines for parking lots of three thousand (3,000) square feet or greater. Where parking stalls face into this required area, the width of the required landscaping area shall be increased by two (2) feet unless wheel stops are installed.

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Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

Sections:

17.58.050 Permitted and conditionally permitted facilities.

17.58.050 Permitted and conditionally permitted facilities.

Table 17.58.02: Permitted and Conditionally Permitted Facilities

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

Limitations:

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

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Chapter 17.88 S-9 FIRE SAFETY PROTECTION COMBINING ZONE REGULATIONS

Sections:

17.88.010 Title, Purpose and Applicability.

17.88.020 Definitions.

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

17.88.040 Prohibited land uses.

17.88.010 Title, Purpose and Applicability.

The intent of the S-9 Fire Safety Protection Combining Zone is to promote the public health, safety and welfare by ensuring that activities that are located, in whole or part, within Very High Fire Hazard Severity Zones, and accessed from streets or cul-de-sacs that do not meet emergency access standards, develop in such a manner as not to be a serious threat to public health or safety.

17.88.020 Definitions.

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

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

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

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

17.88.040 Prohibited land uses.

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

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

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Chapter 17.94 S-12 RESIDENTIAL PARKING COMBINING ZONE REGULATIONS

Sections:

17.94.030 Activities to which S-12 Zone regulations apply.

17.94.040 Off-street parking regulations—Residential Activities.

17.94.060 Parking spaces.

17.94.070 Maneuvering aisles.

17.94.030 Activities to which S-12 Zone regulations apply.

The driveway regulations set forth in Section 17.94.080, the on-street parking regulations set forth in Section 17.94.100, and the related review and approval by the City Traffic Engineer set forth in Section 17.94.120, shall apply to all activities located in the S-12 Zone. All other provisions of the S-12 Zone shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, ~~One-Family Dwelling with Secondary Unit~~, Two-Family Dwelling, or Multifamily Dwelling Residential Facility. The off-street parking requirements of all other activities located in the S-12 Zone shall be as set forth in Chapter 17.116.

(Ord. 12501 § 66, 2003: prior planning code § 6652)

17.94.040 Off-street parking regulations—Residential Activities.

Except as otherwise provided in Sections 17.116.020 and 17.116.030, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, ~~One-Family Dwelling with Secondary Unit~~, Two-Family Dwelling, or Multifamily Dwelling Residential Facility. Such required parking shall be developed and maintained pursuant to the provisions of Section 17.94.050 through 17.94.090, unless an alternate parking layout is approved pursuant to Section 17.94.110. The special exceptions to parking requirements set forth in Section 17.116.110 shall not apply in the S-12 Zone.

17.94.060 Parking spaces.

The requirements of this Section shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, ~~One-Family Dwelling with Secondary Unit~~, Two-Family Dwelling, or Multifamily Dwelling Residential Facility, and supersede the parking space dimensions set forth in Section 17.116.200 and the tandem space requirements set forth in Section 17.116.240.

- C. Location of Parking Spaces. On any lot located in the S-12 Zone and containing a One-Family Dwelling, ~~One-Family Dwelling with Secondary Unit~~, Two-Family Dwelling, or Multifamily Dwelling Residential Facility, no parking spaces shall be located between the front lot line and the front wall of the facility or its projection across the lot, except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that:

EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL
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17.94.070 Maneuvering aisles.

The requirements of this Section shall apply only to Residential Activities located in the S-12 Zone and occupying any One-Family Dwelling, ~~One-Family Dwelling with Secondary Unit,~~ Two-Family Dwelling, or Multifamily Dwelling Residential Facility, and supersede the requirements for Maneuvering Aisles set forth in Section 17.116.210.

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL
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Chapter 17.97 S-15 TRANSIT-ORIENTED DEVELOPMENT ZONES REGULATIONS

Sections:

17.15.050 Permitted and conditionally permitted facilities.

17.97.050 Permitted and conditionally permitted facilities.

Table 17.97.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones		Additional Regulations
	S-15	S-15W	
Residential Facilities			
One-Family Dwelling	C	—(L2)	
One-Family Dwelling with Secondary Unit	—(L3)	—(L3)	17.103.080

Limitations on Table 17.97.02:

L3. A Secondary Unit that meets all requirements set forth in Section 17.103.080 ~~may be is~~ permitted in conjunction with an existing One-Family Dwelling in the S-15 and S-15W Zones, or conditionally permitted in conjunction with a new One-Family Dwelling in the S-15 Zone.

**EXHIBIT A TO THE APRIL 18, 2017 CITY COUNCIL
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**Chapter 17.101C D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES
REGULATIONS**

Sections:

17.101C.040 - Permitted and conditionally permitted facilities.

17.101C.040 - Permitted and conditionally permitted facilities.

Table 17.101C.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Residential Facilities						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080

Limitations on Table 17.101C.02:

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

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Chapter 17.101E D-CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

Sections:

17.101E.040 Permitted and conditionally permitted facilities.

17.101E.050 Property development standards.

17.101E.040 Permitted and conditionally permitted facilities.

Table 17.101E.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones						Additional Regulations
	D-CE-1	D-CE-2	D-CE-3	D-CE-4	D-CE-5	D-CE-6	
Residential Facilities							
One-Family Dwelling	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	P	—(L1)	—(L1)	—(L1)	17.103.080

Limitations on Table 17.101E.02:

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

17.101E.050 Property development standards.

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

Table 17.101E.03 Property Development Standards

Additional Regulations for Table 17.101E.03:

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

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

17.101G.040 Permitted and conditionally permitted facilities.

17.101G.040 Permitted and conditionally permitted facilities.

Table 17.101G.02: Permitted and Conditionally Permitted Facilities

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

Limitations:

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

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

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**Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE
CLASSIFICATIONS**

Sections:

Article VI - Residential Facilities

Article VI Residential Facilities

17.103.080 One-Family Dwelling with Secondary Unit Residential Facilities.

17.103.080 One-Family Dwelling with Secondary Unit Residential Facilities.

~~**A. Development Standards.**~~ The following regulations shall apply to the construction, establishment, or alteration of Secondary Units wherever permitted, ~~or conditionally permitted,~~ as specified in each individual zone:

A. Regulations Applying to All Secondary Units.

1. **Ministerial Approval.** An application for a Secondary Unit shall be granted ministerial approval when it complies with all applicable zoning regulations, including but not limited to all provisions in this Section (17.103.080).
2. **Occupancy Requirement.** Occupancy of a Secondary Unit shall be on a thirty (30) days or longer basis only.
3. **Sale of Unit.** A Secondary Unit shall not be sold separately from the existing One-Family Dwelling Facility on the same lot.
4. **Parking Configuration.** If a covered parking structure is demolished to construct a Secondary Unit, any required replacement parking may be located in any configuration (including covered, uncovered, tandem or mechanical lift).
5. **Fire Sprinklers.** A Secondary Unit shall not be required to provide fire sprinklers if they are not required for the existing One-Family Dwelling Facility on the same lot.
6. **Compliance with Building and Fire Codes.** Unless specified otherwise, a Secondary Unit shall comply with all code and permit requirements imposed by other affected departments, including but not limited to, the requirement for a building permit.

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

1. **Definition.** Category One Secondary Units are those that are located entirely within a One-Family Dwelling Facility or detached accessory structure that was legally in existence prior to January 1, 2017; and involve no expansion of the existing building envelope. Other defining characteristics of Category One Secondary Units are: a) independent exterior access from the existing One-Family Dwelling Facility, and b) existing side and rear setbacks sufficient for fire safety.
2. **Exemption from Nonconformity Regulations.** An application for a Category One Secondary Unit shall be granted ministerial approval when it is entirely within the building envelope of a One-Family Dwelling Facility or detached accessory structure

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that was legally in existence prior to January 1, 2017, regardless of the normally required prohibition on residential living quarters within a detached accessory structure located in a minimum Yard or Court in Subsection K. of Section 17.108.130; and regardless of any existing nonconformity as to setback or height of the detached accessory structure or primary dwelling facility.

3. **Utility Connections.** A new or separate utility connection shall not be required directly between a Category One Secondary Unit and the utility, and no related connection fee or capacity charge shall be required.
4. **Parking.** Regardless of any provisions to the contrary in the applicable individual zone regulations and in Chapter 17.116, no additional parking shall be required for a Category One Secondary Unit.

C. Category Two: All Other Secondary Units.

1. **Definition.** Category Two Secondary Units are those that: a) are not entirely within the building envelope of a One-Family Dwelling Facility or detached accessory structure that was legally in existence prior to January 1, 2017; and b) involve either construction of a new structure, or an exterior addition to an existing structure. ~~Other Uses on Property.~~ A Secondary Unit shall only be permitted on a lot that contains one (1) primary dwelling unit. A Secondary Unit may be approved and constructed at the same time or after the approval and construction of the primary dwelling unit.
2. ~~**Sale of Unit.** A Secondary Unit shall not be sold separately from the primary dwelling unit on the same lot.~~
23. **Maximum Permitted Floor Area.** The floor area of a Category Two Secondary Unit shall not exceed eight hundred (800) ~~seven hundred fifty (750)~~ square feet or seventy-five percent (75%) of the floor area of the primary dwelling unit, whichever is less. ~~except that Secondary Units of up to five hundred (500) square feet in floor area are permitted regardless of the size of the primary dwelling unit.~~
34. **Required Parking.** Except as specified in Subsection a. below, the minimum parking requirements for a Category Two Secondary Unit shall be as prescribed in the applicable individual zone regulations and in Chapter 17.116. Tandem parking may be permitted according to the regulations in Section 17.116.240.
 - a. Secondary Units that are located on sites within: (i) one-half (1/2) mile of a ~~public BART Station, BRT Station, or Major Transit Stop~~; (ii) ~~an Area of Primary Importance (API) or Area of Secondary Importance (ASI), as defined in the Historic Preservation Element of the General Plan; one-half (1/2) mile of a designated rapid bus line not located on Telegraph Avenue~~; (iii) ~~an area where on-street parking permits are required but not offered to the occupant of a Secondary Unit; one-quarter (1/4) mile of a designated rapid bus line located on Telegraph Avenue~~; or (iv) ~~one (1) block of a dedicated car share parking space one-half (1/2) mile of the transit hub at the intersection of Lakeshore Avenue and Lake Park Avenue~~ shall have no additional parking requirement. ~~For the purposes of this Chapter, a "Major Transit Stop" is defined consistent with California Public Resources Code Section 21064.3, as may be amended; and means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two (2) or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.~~

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- ~~b. For new or newly legalized Secondary Units established after the effective date of this Subsection and located within a Residential Parking Permit area, a Residential Parking Permit shall not be issued to the occupant(s) of the Secondary Unit except that the verified occupant(s) of the Secondary Unit may be issued no more than one (1) of the permits associated with the primary dwelling unit. This Subsection only applies to Secondary Units located on sites near transit as defined in Subsection a. above.~~
- 45. Setbacks.** Except as specified ~~in Subsections a. and b. below, in Subsection 6. Below,~~ for the conversion of existing detached accessory structures, the minimum setback requirements ~~for a Category Two Secondary Unit~~ shall be as prescribed in the applicable individual zone regulations; ~~or as prescribed for a~~
- ~~a. A detached Category Two Secondary Unit that conforms to the provisions located within a minimum Yard or Court in Subsection U. of Section 17.108.130 is allowed to project into or locate within the minimum side or rear yard, but no closer than four (4) feet from the side or rear lot line, and only if the facility also conforms to the following restriction in and the first paragraph of Section 17.108.130:~~
- ~~i. In no case shall more than fifty percent (50%) of the horizontal area of any required minimum rear yard be covered by facilities, other than trees, that extend more than six (6) feet above grade.~~
- ~~b. A Category Two Secondary Unit located above a garage and conforming with maximum height and all other applicable regulations shall not be required to have a side or rear setback of more than five (5) feet.~~
- 6. Conversion of an Existing Detached Accessory Structure.** A detached accessory structure legally in existence prior to the effective date of this amended Code Section and located outside of the front yard setback, may be converted into a Secondary Unit, regardless of the normally required prohibition on residential living quarters within a detached accessory structure located in a minimum Yard or Court in Subsection K. of Section 17.108.130, or any existing nonconformity as to side setback, rear setback, or height, as long as:
- ~~a. The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable zoning regulations, including but not limited to, all provisions in this Section;~~
- ~~b. The floor area of the resulting Secondary Unit does not exceed the maximum allowed in this Section; and~~
- ~~c. The minimum parking requirement can be met on site.~~
- 7. Fire Flow and Water Pressure.** A Secondary Unit may be permitted only if the fire flow and water pressure in the adjoining street meets the minimum requirements as determined by the Fire Marshal.
- 58. Emergency Access—Multiple Vehicular Outlets.** A Category Two Secondary Unit ~~shall only may~~ be permitted ~~only~~ on a lot which has frontage on a through street, or a dead-end street that has a total length of less than ~~six hundred (600) three hundred (300)~~ feet. For the purposes of this Subsection, the total length of a dead-end street shall be the distance from the intersection with the nearest through street to the farthest opposite end of the street right-of-way, or private access easement (as defined by Section 16.32.010 of the Oakland Municipal Code) if the private access easement is connected to said dead-end street.

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- ~~69. **Emergency Access—Minimum Pavement Width.** A Category Two Secondary Unit shall only may be permitted only if all streets connecting the lot to the nearest arterial street (as designated by the City of Oakland General Plan Land Use and Transportation Element) have a minimum pavement width of at least twenty-four (24) feet. The minimum pavement width limitation may be reduced to a minimum of twenty (20) feet, upon the granting of a conditional use permit, pursuant to the criteria in Subsection B. of this Section, and the conditional use permit procedure in Chapter 17.134.~~
- ~~10. **Public Sanitary Sewer.** A Secondary Unit may be permitted only if it is served by a public sanitary sewer.~~
- ~~744. **Architectural Compatibility.** The A Category Two Secondary Unit shall be clearly subordinate to the primary dwelling unit in size and location. Also, the exterior materials of a Category Two Secondary Unit shall match or be visually compatible with that of the primary dwelling unit, including the siding material, roof shape and/or pitch, roofing material, trim material and design, and window types.~~
- ~~12. **Compliance with Building and Fire Codes.** All Secondary Units shall comply with all other code and permit requirements imposed by all other affected departments, including but not limited to, fire separation, sound separation, egress, utility access, and the requirement for a building permit.~~
- ~~813. **Review Procedure.** An application for a Category Two Secondary Unit of up to five hundred (500) square feet shall be granted ministerial approval within one hundred twenty (120) days of receipt as specified in Section 17.136.025 upon confirmation of compliance with all applicable zoning regulations, including but not limited to, all provisions in this Section. The five hundred (500) square-foot floor area threshold for a Secondary Unit may only be exceeded, up to a maximum size of seven hundred fifty (750) square feet or seventy-five percent (75%) of the floor area of the primary dwelling unit, whichever is less, upon the granting of Small project design review, pursuant to the Small project design review procedure in Section 17.136.030.~~
94. **Utility Connections.** If a new or separate utility connection is required directly between a Category Two Secondary Unit and the utility, the related connection fee or capacity charge must be proportional to the burden of the Secondary Unit upon the water or sewer system.
- ~~B. **Use Permit Criteria for Secondary Units Accessed Via Narrow Streets.** A conditional use permit for a Secondary Unit accessed from the nearest arterial street via a street with a minimum pavement width of between twenty (20) and twenty-four (24) feet may only be granted upon determination that the proposal conforms to the general use permit criteria set forth in the general use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:~~
- ~~1. That there is adequate emergency access to the lot as determined by the Fire Marshall;~~
 - ~~— That the portions of the street that have a pavement width of less than twenty-four (24) feet are not located on a dead-end street;~~
 - ~~3. That if on-street parking is permitted on portions of the street that have a pavement width of less than twenty-four (24) feet, that there exist a level and hard surface shoulders with a combined additional width of at least eight (8) feet;~~

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4. ~~That if on-street parking is prohibited on portions of the street that have a pavement width of less than twenty four (24) feet, that the restricted parking areas are clearly marked with official City installed no parking signs and/or red curbs, pursuant to the provisions of the Oakland Traffic Code (Title 10 of the Oakland Municipal Code).~~

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Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

17.108.130 Exceptions to required openness of minimum yards and courts.

17.108.130 Exceptions to required openness of minimum yards and courts.

Facilities	Allowed Projection Into or Location Within Minimum Required Yard or Court, Subject to the Further Restrictions Indicated in This Section's First Paragraph (Blanks indicate that facility is not allowed.)				
	Front Yard	Side Yard on Street Side of Corner Lot	Side Yard Along Interior Side Lot Line	Rear Yard (But see coverage limit in first paragraph.)	Court
U. Detached Secondary Units.		<p>Anywhere in above yards, provided that <u>the facility was legally in existence prior to January 1, 2017; or in other cases if:</u></p> <p>1. The facility is <u>located at least six (6) feet from within thirty-five (35) feet of the rear lot line</u>the primary dwelling unit on the lot, and is not located closer than four (4) feet from the side or rear lot line; and</p> <p>2. The wall height of the facility within four (4) feet of the side or rear lot line does not exceed ten (10) feet in height to the top of the plate above finished grade. In areas greater than four (4) feet from the side or rear lot line <u>but within a required yard</u>, the wall height of the facility may only extend above ten (10) feet the extent necessary to allow gable ends, dormers, sheds, or similar roof elements, any shed roof slopes down toward the closest lot line; if equal distant to nearby lot lines, the <u>with any</u> shed roof sloping down toward the lot line facing the longest façade); and</p> <p>3. The roof height, for roofs with a maximum 8 in 12 slope, does not exceed fourteen (14) feet above finished grade, except for incidental decorative features or minor appurtenances such as flues.</p>			

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Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article II - Off-Street Parking Requirements

Article III – Reductions in Required Parking

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.060 Off-street parking—Residential Activities.

A. Minimum and Maximum Parking for Permanent and Semi-Transient Residential Activities.

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

Residential Facility Type	Zone	Total Required Parking
One-Family Dwelling with Secondary Unit.	RH and RD Zones, except when combined with the S-12 Zone.	One (1) space for the Secondary Unit unless the lot already contains a total of at least three (3) spaces or is located in a transit accessible area pursuant to Section 17.103.080; however, when combined with the S-11 Zone, the requirement shall be one (1) space for each bedroom in any Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit. See Section 17.103.080.
	CBD, S-2, and D-LM Zones, except when combined with the <u>S-11 or</u> S-12 Zone.	No additional space required for the Secondary Unit.

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Residential Facility Type	Zone	Total Required Parking
	Any other zone, except when combined with the <u>S-11 or S-12 Zone.</u>	One (1) space for the Secondary Unit, <u>except that no parking shall be required if located as specified in Section 17.103.080. unless the lot already contains a total of at least two (2) spaces or is located in a transit-accessible area pursuant to Section 17.103.080; however, when combined with the S-11 Zone, the requirement shall be one (1) space for each bedroom in any Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit. See Section 17.103.080.</u>
	<u>Any zone combined with the S-11 Zone.</u>	<u>One (1) space for each bedroom in the Secondary Unit, up to a maximum requirement of two (2) spaces per Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080.</u>
	Any zone combined with the S-12 Zone.	<u>One (1) space for each bedroom in the Secondary Unit, except that no parking shall be required if located as specified in Section 17.103.080. See Section 17.94.040.</u>

Article III - Exemptions and Reductions in Required Parking

17.116.110 Special parking exemptions and reductions.

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

B. Affordable Housing. For zones that have a base parking minimum in Section 17.116.060(A) of three-quarter (3/4) space per dwelling unit or more, the parking requirement for affordable housing restricted for low, very low, and moderate income households, (as defined in California Government Code Section 50052.5 and in Oakland Planning Code Section 17.107.020) is the following:

1. One-half (1/2) space per affordable housing unit if within a ~~T~~transit ~~A~~accessible ~~A~~area; and

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2. Three-quarters (3/4) space per affordable housing unit if not within a ~~I~~transit ~~A~~accessible ~~A~~area.
- C. Parking Reduction through Demand Management Measures.** The following are the percentages that parking requirements are reduced for Multifamily Dwelling Residential Facilities of ten (10) or more dwelling units through implementation of the listed parking demand management measures. The parking reduction percentages for the demand management measures described below can be added together to create a greater parking reduction, but cannot create more than a fifty percent (50%) reduction. These reductions cannot be combined with the parking reductions described in other Subsections of Article III, except for the reduction described in Subsection B, above. A notice describing the demand management measure(s) required shall be permanently posted in a common area of the building such as a lobby or mailroom that is clearly visible to residents.
1. **Transit Accessible Areas.** A project that is within a ~~I~~transit ~~A~~accessible ~~A~~area receives a 30 percent (30%) reduction in the parking requirement. This reduction cannot be applied to the parking ratio for affordable housing that already receives a reduction under B(1), above.
- J. Secondary Units.** No additional parking shall be required for a Secondary Unit if located as specified in Section 17.103.080.

Article IV Standards for Required Parking and Loading Facilities

17.116.240 Tandem spaces and berths.

17.116.240 Tandem spaces and berths.

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

- A. In any zone, tandem parking may be permitted for a One-Family Dwelling with Secondary Unit Residential Facility, unless the City finds that tandem parking is not feasible due to specific topographical conditions.
- B. In the S-11 Zone, tandem parking may be permitted for fifty percent (50%) of the required parking spaces for a One-Family Dwelling ~~or One-Family Dwelling with Secondary Unit Residential Facility.~~
- ~~C.B.~~ In the S-12 Zone, tandem parking may be permitted for One-Family Dwelling, ~~One-Family Dwelling with Secondary Unit,~~ Two-Family Dwelling, and Multi-family Dwelling Residential Facilities under the provisions of Section 17.94.060.
- ~~C. In any zone, except when combined with the S-11 or S-12 Zones, tandem parking may be permitted for two (2) of the required spaces on a lot containing a One-Family Dwelling with Secondary Unit Residential Facility if the floor area of the Secondary Unit does not exceed the maximum allowed in Section 17.103.080.~~

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Chapter 17.136 DESIGN REVIEW PROCEDURE

Sections:

17.136.025 Exemptions from design review.

17.136.030 Small project design review.

17.136.025 Exemptions from design review.

- A. Applicability. A proposal will be exempt from design review if it meets each of the provisions set forth below. All such determinations are final and not appealable:
 - 2. The proposal does not require ~~Regular~~ dDesign ~~r~~Review, ~~a~~-conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
- B. Definition. The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):
 - 1. Additions or Alterations.
 - d. ~~Secondary Units, of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit,~~ pursuant to all regulations in Section 17.103.080;

17.136.030 Small project design review.

- B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:
 - 1. Additions or Alterations.
 - d. ~~Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding seven hundred fifty (750) square feet or seventy five percent (75%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.103.080;~~
 - de. For Commercial, Civic, or Industrial Facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.