

Chapter 17.33 CN NEIGHBORHOOD CENTER COMMERCIAL ZONES REGULATIONS

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17.33.010 Title, intent, and description.

- A. Title and Intent. The provisions of this Chapter shall be known as the CN Neighborhood Center Commercial Zones Regulations. The intent of the Neighborhood Center Commercial (CN) Zones is to create, preserve, and enhance mixed use neighborhood commercial centers. The centers are typically characterized by smaller scale pedestrian oriented, continuous and active store fronts with opportunities for comparison shopping. These regulations shall apply to the CN Zones.
- B. Description of Zones. This Chapter establishes land use regulations for the following four (4) zones:
1. **CN-1 Neighborhood Commercial - 1 Zone.** The intent of the CN-1 Zone is to maintain and enhance vibrant commercial districts with a wide range of retail establishments serving both short and long term needs in attractive settings oriented to pedestrian comparison shopping.
 2. **CN-2 Neighborhood Commercial - 2 Zone.** The intent of the CN-2 Zone is to enhance the character of established neighborhood commercial centers that have a compact, vibrant pedestrian environment.
 3. **CN-3 Neighborhood Commercial - 3 Zone.** The intent of the CN-3 Zone is to create, improve, and enhance areas neighborhood commercial centers that have a compact, vibrant pedestrian environment.
 4. **CN-4 Neighborhood Commercial - 4 Zone.** The intent of the CN-4 Zone is to accommodate a broad range of low impact, retail, and service uses in small commercial districts, often near lower density residential neighborhoods.

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

17.33.020 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.

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

17.33.030 Permitted and conditionally permitted activities.

Table 17.33.01 lists the permitted, conditionally permitted, and prohibited activities in the CN Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

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

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

Table 17.33.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Residential Activities					
Permanent	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Residential Care	P(L1)(L2)(L3)	P(L1)(L2)(L3)	P(L1)(L3)	P(L1)(L3)	17.103.010
Supportive Housing	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Transitional Housing	P(L2)(L3)	P(L2)(L3)	P(L3)	P(L3)	
Emergency Shelter	P(L5)	P(L5)	P(L5)	C(L1)(L3)	17.103.010
Semi-Transient	—	—	—	—	
Bed and Breakfast	C(L3)(L4)	C(L3)(L4)	C(L3)(L4)	C(L3)	
Civic Activities					
Essential Service	P(L17)	P(L17)	P(L17)	P(L17)	
Essential Service	P	P	P	P	
Limited Child-Care Activities	P(L2)	P(L2)	P(L6)	P(L6)	
Community Assembly	C(L4)	C(L4)	C(L4)	C	
Recreational Assembly	P(L2)	P(L2)	P(L6)	P(L6)	
Community Education	C(L4)	C(L4)	C(L4)	C	
Nonassembly Cultural	P(L6)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	

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Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Health Care	C(L4)	C(L4)	C(L4)	C	
Special Health Care	C(L4)(L7)	C(L4)(L7)	C(L4)(L7)	C(L7)	17.103.020
Utility and Vehicular	C(L4)	C(L4)	C(L4)	C	
Extensive Impact	C(L4)	C(L4)	C(L4)	C	
Commercial Activities					
General Food Sales	P(L6)	P(L6)	P(L8)	P(L8)	
Full Service Restaurants	C(L4)	P(L6)	P(L6)	P(L6)	
Limited Service Restaurant and Cafe	C(L4)	P(L6)	P(L6)	P(L6)	
Fast-Food Restaurant	C(L4)	C(L4)	C(L4)	C	17.103.030 and 8.09
Convenience Market	C(L4)	C(L4)	C(L4)	C	17.103.030
Alcoholic Beverage Sales	C(L4)	C(L4)	C(L4)	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C(L4)	C(L4)	C(L4)	C	
Medical Service	P(L2)	P(L8)	P(L8)	P(L6)	
General Retail Sales	P(L6)	P(L6)	P(L9)	P(L9)	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	
Consumer Service	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	P(L6)(L10)	
Consultative and Financial Service	P(L2)	P(L11)	P(L6)	P(L6)	
Check Cashier and Check Cashing	—	—	—	—	
Consumer Cleaning and Repair Service	P(L6)	P(L6)	P(L6)	P(L6)	
Consumer Dry Cleaning Plant	C(L4)	C(L4)	C(L4)	C	
Group Assembly	C(L4)(L12)	C(L4)(L12)	C(L4)(L12)	C(L12)	
Personal Instruction and Improvement Services	P(L2)	P(L6)	P(L6)	P(L6)	
Administrative	P(L2)	P(L2)	P(L6)	P(L6)	
Business, Communication, and Media Services	P(L2)	P(L2)	P(L6)	P(L6)	
Broadcasting and Recording Services	P(L2)	P(L2)	P(L6)	P(L6)	

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Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Research Service	C(L4)	C(L4)	P(L6)	P(L6)	
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	—	—	—	C	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	—	—	
Automotive Fee Parking	C(L4)	C(L4)	C(L4)	C	17.103.055
Animal Boarding	—	—	—	—	
Animal Care	C(L4)	C(L4)	P(L6)	P(L6)	
Undertaking Service	—	—	—	—	
Industrial Activities					
Custom Manufacturing	C(L4)(L13)	C(L4)(L13)	C(L13)	C	
Light Manufacturing	—	—	—	—	
General Manufacturing	—	—	—	—	
Heavy/High Impact	—	—	—	—	
Research and Development	—	—	—	—	
Construction Operations	—	—	—	—	
Warehousing, Storage, and Distribution					
A. General Warehousing, Storage and Distribution	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	
C. Self- or Mini-Storage	—	—	—	—	
D. Container Storage	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	
Regional Freight Transportation	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	

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Activities	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Recycling and Waste-Related					
A. Satellite Recycling Collection Centers	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management-Related	—	—	—	—	
Agriculture and Extractive Activities					
Limited Agriculture	C(L14)	C(L14)	P(L15)	P(L15)	
Extensive Agriculture	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	C(L4)	C(L4)	C(L4)	C	
Mining and Quarrying	—	—	—	—	
Accessory off-street parking serving prohibited activities	C(L4)	C(L4)	C(L4)	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C(L4)	C(L4)	C(L4)	C	17.102.110

Limitations on Table 17.33.01:

L1. 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.

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street fronting building. 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 CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, below.

L3. See Section 17.33.040 for limitations on the construction of new ground floor Residential Facilities.

L4. Any Conditional Use Permit (CUP) required in the above table or its associated limitations shall conform to the CUP criteria contained in Section 17.134.050 and to each of the following additional criteria:

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1. That the proposal will not detract from the character desired for the area;
2. That the proposal will not impair a generally continuous wall of building facades;
3. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
4. That the proposal will not interfere with the movement of people along an important pedestrian street; and
5. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

L5. Emergency Shelters are permitted by-right within those portions of Martin Luther King Jr. Way, San Pablo Avenue, and Macarthur Boulevard corridors described in Section 17.103.015(A)(1)(2)(7) respectively and 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, L3, and L4 above.

L6. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

L7. 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.

L8. A Medical Service Commercial Activity that occupies more than thirty-five (35) feet of frontage facing the principal street is not permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). All window space facing the principal street shall be clear, non-reflective, and allow views into the indoor space.

L9. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed fifteen thousand (15,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above.

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. With the exception of retail bank branches, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a building. 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 CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the criteria contained in L4, above. The size limitation described in L5, above, shall apply to retail bank branches.

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. Not permitted on the ground floor.

L14. Limited Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

L15. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure).

L16. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria:

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

L17. Community Gardens are permitted outright if they do not include the cultivation of animals, animal products, and/or livestock production, except for bee keeping involving no more than three (3) hives. The cultivation of animals, animal products and/or livestock production, except for bee keeping involving no more than three (3) hives, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

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

17.33.040 Permitted and conditionally permitted facilities.

Table 17.33.02 lists the permitted, conditionally permitted, and prohibited facilities in the CN Zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

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

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

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"—" designates facilities that are prohibited.

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
Two-Family Dwelling	P(L2)	P(L2)	P(L3)	P	
Multifamily Dwelling	P(L2)	P(L2)	P(L3)	P	
Rooming House	P(L2)	P(L2)	P(L3)	P	
Mobile Home	—	—	—	—	
Nonresidential Facilities					
Enclosed Nonresidential	P	P	P	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	17.103.090
Drive-In	—	—	—	C	
Drive-Through	—	—	—	C(L5)	17.103.100
Telecommunications Facilities					
Micro Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Mini Telecommunications	P(L6)	P(L6)	P(L6)	P(L6)	17.128
Macro Telecommunications	C	C	C	C	17.128
Monopole Telecommunications	C	C	C	C	17.128
Tower Telecommunications	—	—	—	—	17.128
Sign Facilities					
Residential Signs	P	P	P	P	17.104
Special Signs	P	P	P	P	17.104
Development Signs	P	P	P	P	17.104
Realty Signs	P	P	P	P	17.104
Civic Signs	P	P	P	P	17.104
Business Signs	P	P	P	P	17.104
Advertising Signs	—	—	—	—	17.104

Limitations on Table 17.33.02:

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

L2. Construction of new ground floor Residential Facilities is not permitted except for incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

L3. Ground floor construction of new Residential Facilities is only permitted on interior lots and requires the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process). New construction of ground floor Residential Facilities is not permitted on a corner lot.

L4. In the CN-1 and CN-2 Zones, no conditional use permit is required for Open Nonresidential Facilities to accommodate Civic Activities, seasonal sales, or special events. In the CN-3 and CN-4 Zones, no conditional use permit is required for Open Nonresidential Facilities to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

L5. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L6. See Section 17.128.025 for restrictions on Telecommunication Facilities near Residential Zones, HBX Zones, or D-CE-3 or D-CE-4 Zones.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.33.050 Property development standards.

A. **Zone Specific Standards.** Table 17.33.03 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 a standard is not applicable to the specified zone.

Table 17.33.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum Lot Dimensions					
Lot Width Mean	25 ft.	25 ft.	25 ft.	25 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	1
Minimum/Maximum Setbacks					
Minimum front	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front	10 ft.	10 ft.	10 ft.	N/A	3
Minimum interior side	0 ft.	0 ft.	0 ft.	0 ft.	4, 5

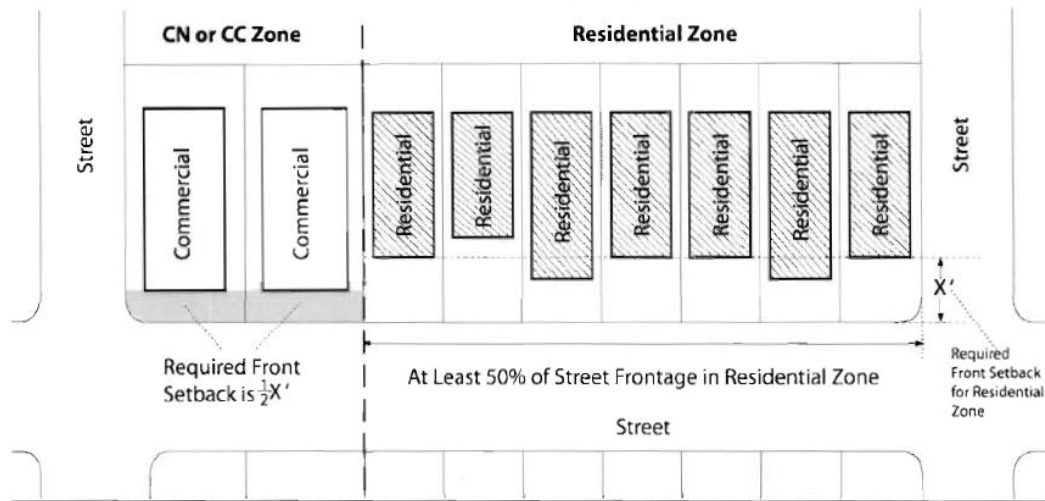
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Development Standards	Zones				Additional Regulations
	CN-1	CN-2	CN-3	CN-4	
Minimum street side	0 ft.	0 ft.	0 ft.	0 ft.	6
Rear (Residential Facilities)	10/15 ft.	10/15 ft.	10/15 ft.	10/15 ft.	7, 8
Rear (Nonresidential Facilities)	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	0/10/15 ft.	8
Design Regulations					
Minimum ground floor nonresidential facade transparency	65%	65%	65%	N/A	9
Minimum height of ground floor Nonresidential Facilities	12 ft.	12 ft.	12 ft.	12 ft.	10
Minimum separation between grade and ground floor living space	N/A	N/A	2.5 ft.	2.5 ft.	11
Parking and driveway location requirements	Yes	Yes	Yes	No	12
Ground floor active space requirement	Yes	Yes	Yes	No	13
Height, Floor Area Ratio, Density, and Open Space Regulations	See Table 17.33.04				
Minimum required parking	See Chapter 17.116 for automobile parking and Chapter 17.117 for bicycle parking				14
Courtyard regulations	See Section 17.108.120				

Additional Regulations for Table 17.33.03:

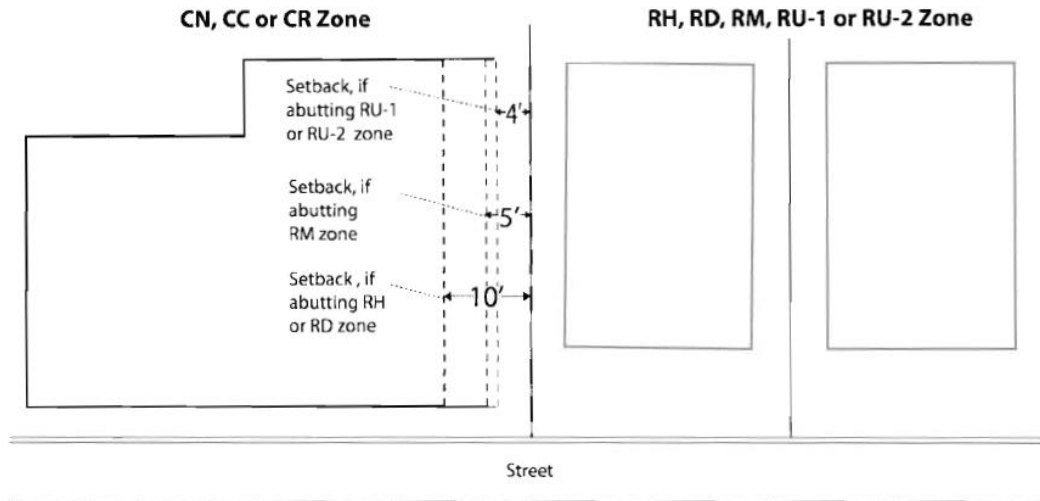
1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, lot width mean, and street frontage regulations.
2. If fifty percent (50%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is in any Residential Zone and all or part of the remaining frontage is in any Commercial or Industrial Zone, the required front setback of the commercially or industrially zoned lots is one-half (½) of the minimum front setback required in the Residential Zone. If fifty percent (50%) or more of the total frontage is in more than one Residential Zone, then the minimum front setback on the commercially or industrially zoned lots is one-half (½) of that required in the Residential Zone with the lesser front setback (see Illustration for Table 17.33.03 [Additional Regulation 2]). Also, see Section 17.108.130 for allowed projections into setbacks.

Illustration for Table 17.33.03 [Additional Regulation 2]
*for illustration purposes only



3. The following notes apply to the maximum front yard requirement:
 - a. The requirements only apply to the construction of new principal buildings.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. Maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of regular design review approval (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in Section 17.136.050, the proposal to reduce to fifty percent (50%) must also meet each of the following criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
4. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD Zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in a RM Zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.33.03 [Additional Regulation 4], below). Also, see Section 17.108.130 for allowed projections into setbacks.

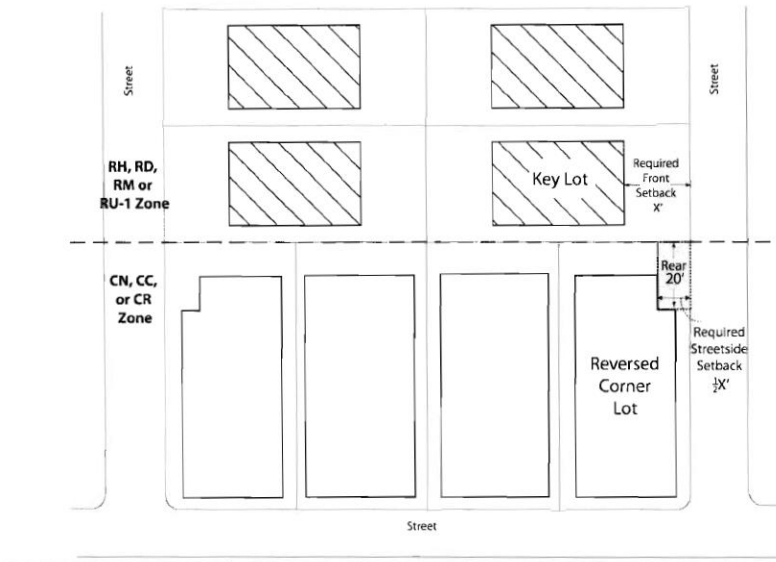
Illustration for Table 17.33.03 [Additional Regulation 4]
 *for illustration purposes only



5. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window.
6. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM Zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half ($\frac{1}{2}$) of the minimum front yard required on the key lot (see Illustration for Table 17.33.03 [Additional Regulation 6], below). Also, see Section 17.108.130 for allowed projections into setbacks.

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Illustration for Table 17.33.03 [Additional Regulation 6]
*for illustration purposes only

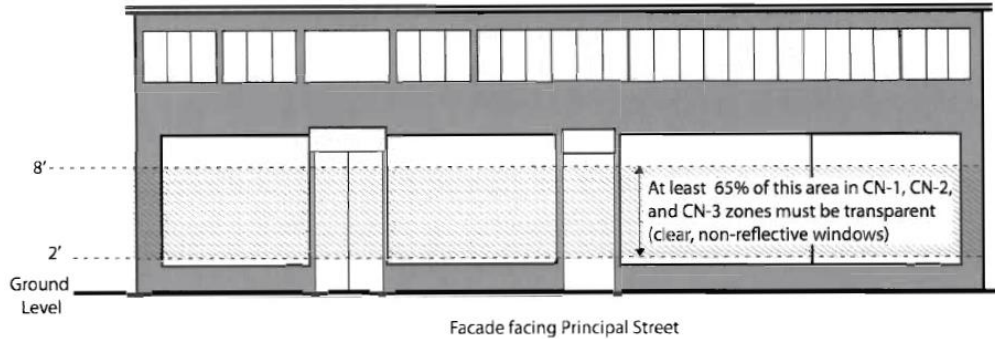


7. Wherever a rear lot line abuts an alley, one-half of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see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

8. When a rear lot line is adjacent to an RH, RD, or RM Zone, the required rear setback for both Residential and Nonresidential Facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM Zone, the required rear setback is ten (10) feet for Residential Facilities and there is no required setback for Nonresidential Facilities.

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

Illustration for Table 17.33.03 [Additional Regulation 9]
 *for illustration purposes only



10. This height is only required for new principal buildings and is measured from the sidewalk grade to the ground floor ceiling.

11. This regulation only applies to new Residential Facilities and ground floor living space located within fifteen (15) feet of a street frontage.

12. For the new construction of principal buildings in the CN-1, CN-2, and CN-3 Zones, 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 another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

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

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

B. **Height, Floor Area Ratio (FAR), Density, and Open Space.** Table 17.33.04 below prescribes height, FAR, density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table. "N/A" designates a regulation is not applicable to the specified Height Area.

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

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

OAKLAND

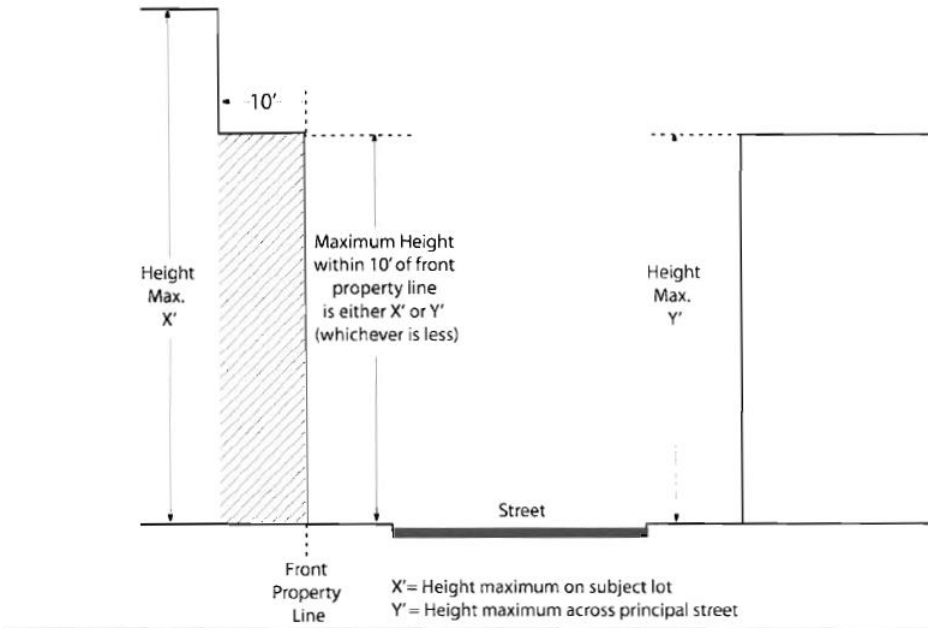
Regulation	Height Area						Additional Regulations
	35	35*	45	60	75	90	
				ft.	ft.	ft.	
Height Minimum							
Permitted height minimum	N/A	N/A	N/A	35 ft.	35 ft.	35 ft.	3
Conditionally permitted height minimum	N/A	N/A	N/A	25 ft.	25 ft.	25 ft.	3
Maximum Residential Density (square feet of lot area required per dwelling unit)							
Regular units	550	Same density regulations as abutting RH, RD, or RM Zone	450	375	275	225	4, 5, 6
Rooming units	275	Same density regulations as abutting RH, RD, or RM Zone	225	185	135	110	4, 5, 6
Maximum Nonresidential FAR	2.0	NA	2.5	3.0	4.0	4.0	4, 5, 6
Maximum Number of Stories (not including underground construction)	3	3	4	5	7	8	
Usable Open Space (square feet per residential unit)							
Group usable open space per regular unit	150	Same density regulations as abutting RH, RD, or RM Zone	150	150	150	100	6, 7
Group usable open space per regular unit when private open space substituted	30	Same density regulations as abutting RH, RD, or RM Zone	30	30	30	20	6, 7
Group usable open space per Rooming unit	75	Same density regulations as abutting RH, RD, or RM Zone	75	75	75	50	6, 7
Group usable open space per rooming unit when private open space is substituted	15	Same density regulations as abutting RH, RD, or RM Zone	15	15	15	10	6, 7

Additional Regulations for Table 17.33.04:

OAKLAND

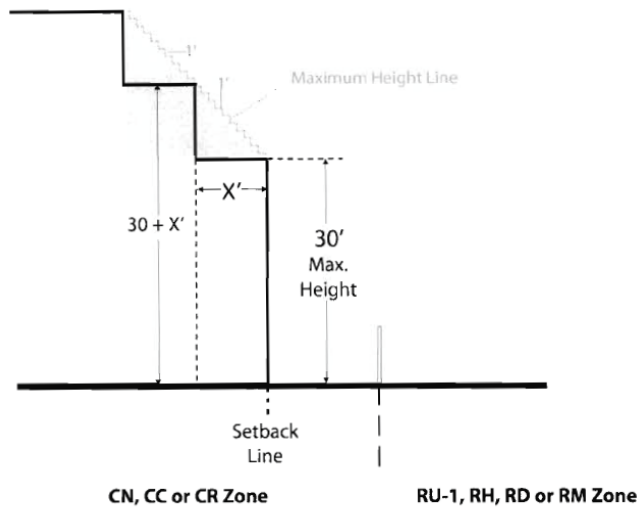
1. The maximum height within ten (10) feet of the front property line is either the height limit on the subject lot shown in the above table or the height maximum for the height area of the parcel directly across the principal street, whatever is less (see Illustration for Table 17.33.04 [Additional Regulation 1], below).

Illustration for Table 17.33.04 [Additional Regulation 1]
 *for illustration purposes only



2. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, or RM Zone; this maximum height shall increase one (1) foot for every foot of distance away from this setback line (see Illustration for Table 17.33.04 [Additional Regulation 2], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.33.04 [Additional Regulation 2]
 *for illustration purposes only



3. This minimum height requirement only applies to the new construction of a principal building that is located on parcels adjacent to a street right-of-way that is one hundred (100) feet wide or more. Buildings constructed to accommodate Essential Service, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities may be exempted from the height minimum regulation by the Planning Director. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.
4. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one (1) Primary Unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
5. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential Floor Area Ratio (FAR) unless the total nonresidential floor area on the lot is less than three thousand (3,000) square feet.
6. In the 35* height area, residential developments are subject to the same residential density and open space regulations as the adjacent RH, RD, or RM Zone. When there is more than one of these abutting zones, then the regulations of the zone allowing the greatest density shall apply.
7. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement, except that actual group space shall be provided in the minimum amount specified in the table per dwelling unit. All usable open space shall meet the standards contained in Chapter 17.126.

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

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

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

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

17.33.070 Other zoning provisions.

- A. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- C. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CN Zones.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in CN Zones.
- E. Landscaping and Screening Standards. The landscaping and screening regulations set forth in Chapter 17.124 shall apply in the CN Zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

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